



**Scott County**  
**Planning Advisory Commission**  
**October 12, 2020**  
**6:35PM**

**Scott County Government Center**  
**County Board Room**  
**200 Fourth Avenue West**  
**Shakopee, MN**



**Scott County**  
**October 12, 2020**  
**Planning Advisory Commission Meeting**

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**SCOTT COUNTY  
PLANNING ADVISORY COMMISSION  
AGENDA**

**Scott County Government Center  
200 Fourth Avenue West  
Shakopee, Minnesota**

**Monday, October 12, 2020  
County Board Room at 6:35 PM**

**I. ROLL CALL AND INTRODUCTIONS**

**II. APPROVAL OF SEPTEMBER 12, 2020 MEETING MINUTES**

**III. CONSENT AGENDA**

(All items listed are considered by the Planning Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Planning Commission Board member or public member so requests, in which event the item will be removed from the Consent Agenda to be considered separately.)

**3.1 PUBLIC HEARING 6:35 PM – MESENBRINK REZONE (PL#2020-047) TABLED FROM THE SEPTEMBER 14, 2020 PLANNING ADVISORY COMMISSION MEETING**

- A. Request to Rezone 95.32 Acres From Urban Expansion Reserve District, UER, to Urban Expansion Reserve Cluster District, UER-C.

**Location:** Section 10  
**Township:** Credit River  
**Current Zoning:** UER

**3.2 PUBLIC HEARING 6:35 PM – BAUER REZONE (PL#2020-057)**

- A. Request to Rezone 40 Acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.

**Location:** Section 23  
**Township:** Belle Plaine  
**Current Zoning:** A-1

**3.3 PUBLIC HEARING 6:35 PM – SIOUX VALLEY ESTATES (PL#2020-036)**

- A. Request for Preliminary Plat and Final Plat of Sioux Valley Estates Consisting of 4 Lots on 40 Acres

**Location:** Section 11  
**Township:** New Market  
**Current Zoning:** RR-1

**3.4 PUBLIC HEARING 6:35 PM – PIEFFER COMP PLAN AMENDMENT (PL#2020-044)**

- A. Request to Re-guide a 5 Acre Parcel Along new Louisville Frontage Road from UER, Urban Expansion Reserve, to Commercial, on the 2040 Planned Land Use Map

**Location:** Section 22  
**Township:** Louisville  
**Current Zoning:** UER

**IV. CONTINUED ITEM – 6:40 PM – SCHIEFFER HELIPORT (PL#2020-048) TABLED FROM  
SEPTEMBER 14, 2020 PLANNING ADVISORY COMMISSION AGENDA**

- A. Request for Conditional Use Permit to Construct and Operate a Private Heliport in the RR-1 District

<b>Location:</b>	Section 26
<b>Township:</b>	Cedar Lake
<b>Current Zoning:</b>	RR-1

**V. PLANNING MANAGER UPDATE**

**VI. GENERAL & ADJOURN**





**SCOTT COUNTY  
PLANNING ADVISORY COMMISSION  
MEETING MINUTES**

**Scott County Government Center  
200 Fourth Avenue West  
Shakopee, Minnesota**

**Monday, September 14, 2020  
County Board Room at 6:47 PM**

**I. ROLL CALL AND INTRODUCTIONS**

Chair Vonhof opened the meeting at 6:47 PM with the following members present: Gary Hartmann, Ray Huber, Barbara Johnson, Donna Hentges. Ed Hrabe and Lee Watson attended by phone through Skype teleconference.

**County Staff Present:** Brad Davis, Planning Manager; Marty Schmitz, Zoning Administrator; Greg Wagner, Principal Planner; Nathan Hall, Associate Planner; Tom Wolf, County Board Commissioner; Barb Simonson, Deputy Clerk to the Board and Kiara Swanson, Video Technician.

**II. APPROVAL OF AUGUST 10, 2020 PLANNING ADVISORY COMMISSION MINUTES**

**Motion by Commissioner Hentges; second by Commissioner Huber to approve the minutes of August 10, 2020 Planning Advisory meeting.**

Chair Vonhof called for a roll call vote with results as follows:

**Commissioner Vonhof: Aye**

**Commissioner Hartmann: Aye**

**Commissioner Hentges: Aye**

**Commissioner Hrabe: Aye**

**Commissioner Huber: Aye**

**Commissioner Johnson: Aye**

**Commissioner Watson: Aye**

**The motion passed with 7 Ayes.**

**III. CONSENT AGENDA**

(All items listed were considered by the Planning Commission to be routine and were enacted by one motion. There was no separate discussion of these items unless a Planning Commission Board member or public member so requested, in which event the item would be removed from the Consent Agenda to be considered separately. No such request was received.)

**3.1 PUBLIC HEARING 6:49 PM: MESENBRINK REZONE (PL#2020-047)**

- A. Request to Rezone 95.32 Acres From Urban Expansion Reserve District, UER, to Urban Expansion Reserve Cluster District, UER-C.

**Location:** Section 10  
**Township:** Credit River  
**Current Zoning:** UER

Principal Planner Greg Wagner provided a brief description of the current request and noted there has been a change in the situation. Mr. Wagner presented a memo from the Credit River Town Board on the matter. The matter will be tabled to a future Board of Adjustment meeting as the applicant and township have agreed to modify the request. The applicant will bring a new request forward with the recommended changes. Mr. Wagner noted that Commission does not need to make a motion or action on this item since Staff, Township and Applicant are requesting the matter be tabled until the next meeting.

#### IV. PUBLIC HEARING 6:51 PM SCHIEFFER HELIPORT (PL#2020-048)

A. Request for Conditional Use Permit to Construct and Operate a Private Heliport in the RR-1 District.

**Location:** Section 26  
**Township:** Cedar Lake  
**Current Zoning:** RR-1

Zoning Administrator Marty Schmitz presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website link: [September 14, 2020 Planning Advisory Commission Agenda Packet](#).

(To view the staff report and video on the county website using the link, click on the download arrow and click on Agenda, then Save and then Open. Next open the bookmark at the top of the page and click on the Schieffer project name.)

After the Staff report the applicant, Doug Schieffer, provided a presentation on his request including his personal reasons for the request, his pilot training, explanations and information about helicopters/heliports including detailed pictures and videos and his personal comments on the neighboring public's response to his request for the heliport. The applicant's presentation is included in the above cited meeting agenda link on the Scott County website.

Commissioner Johnson asked how many additional hours of training did the applicant's insurance company require. She also asked how the helicopter is moved once it's on the ground. She also noted a news report about a small plane crash that occurred earlier today. *Applicant reported his insurance company required him to have 100 hours of training with his own specific aircraft, with a pilot that had at least 3000 hours. Applicant described his transport mechanisms. He stated although accidents happen, that on a fair-weather day he believes helicopters are safer than driving in a car.*

Commissioner Huber asked about fueling on site, maintenance of the aircraft and how weather affects flying decisions. *Applicant reported he does fuel on site. For maintenance he utilizes a team from Canada for their expertise called Skyline Helicopter Technologies. He agreed that weather impacts his flying decisions just like other travel.*

Commissioner Vonnhof asked for his total flight hours. *Applicant replied he has just under 200 hours and about 160 hours of that in his own helicopter.*

Rex Alexander, a professional aviator with 40 years of experience with helicopters, gave a PowerPoint presentation titled Helicopter Safety: Separating Fact from Fiction. It included the topic areas of regulations, codes, guidance and oversight from the FAA and the State, the definition, design and description of heliports, helicopter design, safety data and accident research, noise comparisons and MN noise guidance, helicopter rotor wash, emissions, fuel and maintenance, hazardous materials, and bird strikes. Mr. Alexander stated that the size and layout of the proposed helipad is designed for the specific helicopter owned by the applicant. Mr. Alexander's presentation is included in the above cited meeting agenda link on the Scott County website.

Commissioner Huber inquired about the proposed flight patterns and which direction would be better. *Mr. Alexander said the three proposed flight paths are about equal. He noted when designing flight paths, they do review historical data on wind direction as it does affect the approach.*

Commissioner Johnson asked about security, fire plans and air space rights. *Mr. Alexander noted security is not as much of an issue for this helipad proposal due to the private location of the subject heliport and it is not in a public place like a hospital. The FAA does not require security fencing or measures, only recommends it. The applicant could choose to install motion detectors. With regards to fire safety, Mr. Alexander said he has used an emergency action plan in some cases and then worked with the local fire marshal on that plan. Mr. Alexander said the applicant would not be able to prevent the construction of a radio tower in the future in the proposed flight paths, for example, but would have to adjust the approach/departure path. He said has worked with zoning administrations in other communities in the past to develop guidelines for limiting heights of towers and buildings in airport overlay zones.*

Commissioner Johnson asked about the plan for night flights, if any. She also recalled a situation when a person shot at the planes near a private airstrip in another township in the county because he didn't like the airplanes. She asked about someone using not a gun but directed a laser on a pilot. *Mr. Alexandria explained what types of lighting would be needed if night flights were to occur based on FAA guidelines. He described his experience with lasers in the military and what can be done to protect pilots, including special safety glasses.*

Marty Schmitz presented the 15 staff-recommended conditions of approval including the modified conditions of #12 & #15 based on information obtained since the staff report was published. He reported there are other modifications to the conditions the applicant would like to see, however, staff recommended those not be discussed at the time.

Commissioner Hentges commented the conditions and any modifications should be discussed at this time and cited a couple of examples. Under draft condition #2, the CUP would be annually reviewed by the Township, however she thinks this should be done by the County as the Town Board has chosen not to provide a formal recommendation on this request. Commissioner Hentges said this permit needs oversight by the county, not the town board. She said she would like to see the reference to the Township stricken from the condition. Under draft condition #5, Commissioner Hentges said she thinks the CUP should be terminated upon sale of the property; it should not be grandfathered in for the new owner since the current owner has done all the work for the CUP.

Marty Schmitz responded to the commissioner's feedback on Condition #2. Condition #2 is a common condition in all CUPs giving town boards the ability to review conditions on an annual basis. Mr. Schmitz said if the Planning Commission thinks additional review needs to be done by the County Planning Commission or Staff, that language can be added to the condition. Mr. Schmitz noted there have been a few CUP's approved in the past with a one-year review condition by the Planning Commission.

Commissioner Johnson commented that since Town Boards are elected and change from time to time and the PAC board is not elected, the matter of review should stay with the Township as the next member(s) of the Town Board may want the oversight.

Commissioner Hentges commented the matter is critical, important and contentious. The Town Board in place today has not made a recommendation.

Commissioner Hartman asked if any Cedar Lake Town Board members were present for comment regarding their position on oversight of the conditions. He commented that although they have not made a recommendation on the zoning issue, they maintain a responsibility to the Township residents. No Township representative was present at the time.

Commissioner Hentges stated she would then like to see more teeth in the conditions and make oversight language more specific.

Chair Vonhof recommended Mr. Schmitz's suggestion of adding language to the condition for an annual review by the Planning Commission.

Commissioner Hentges continued addressing condition #15 and the aircraft flying over the area. She reported she visited the site and surrounding residential and farm properties. She made note of about 150 horses and other livestock throughout the area. She explained her expertise with horses and her experience with how they react to helicopters. She said she would like to take a longer look at condition #15.

Rex Alexander came forward to make comment on the animal concerns. He made note that his previous presentation did address some data provided by the military on impact to animals. Mr. Alexander said the subject helicopter will be 500 feet above and in most case 1000 feet above properties with animals. He recommended looking at what aircraft have been flying over the area today. He can also obtain additional information from the FAA on what aircraft have flown over the subject area and at what altitude over the last 3 months and if there have been any instances of livestock problems. He cited his experience both with animal behavior living on a farm and as a pilot who has landed in and around animals.

Applicant Doug Schieffer commented on his experience with flying into his ranch in Nebraska and landing near his own animals and his care for animals as an animal lover himself. He would be respectful of the animals in the area. He spoke about other air traffic he has witnessed over his property including the EMS helicopter from New Prague and another 100 +aircraft that have also flown over his property in recent months.

Kyle Hart, attorney for the applicant, approached the podium. He presented information and his evidence to the contrary of noted concerns regarding noise, safety, rotor wash, and eagle endangerment. He noted the decision to approve the CUP is to be based on objective facts and evidence and should not include arguments based on speculation, inaccurate information. He said fear should not enter the decision. He cited a Scott County court case that set a precedent and the many uses allowed in the RR-1 District zoning ordinance.

Chair Vonhof opened the floor for public comment:

Matthew Loven, attorney for group of residents, made the following statements:

- \*Although an allowed use, it is first time someone has applied for a CUP for a private heliport application and conditions. He encouraged careful consideration of the conditions as they will set precedent for future heliports in Scott County on residential lots.

- \*Noted 4 areas of concern: MPCA sound standards, split/duel zoning, 2040 Comp Plan aviation recommendations, the conditions warrant further discussion.

Jim Britton of 26515 Wylewood Dr, has concerns about:

- \*Sounds studies using DBA which is sound heard by the human ear
- \*Reported he lost a sale on his home after disclosing the potential heliport

Tracy Hilfer of 4090 Hunters Ln, has concerns about:

- \*The response of her dog to the sound of the helicopter
- \*Works from home and effect of noise on her business

Michael Bassert of 2071 Wild Wings Pass, commented about:

- \*Expressed support of the applicant
- \*Shared experience of a float helicopter landing at a ranch with animals causing no problems

David Karan of 26633 Panama Ave, has concerns and commented about:

- \*Petition in opposition of heliport
- \*Not understanding all the conditions
- \*Believes the request needs more study before any decision

Amy Domier of 4215 Hunters Ln, has concerns about:

- \*Also speaking on behalf of husband and 2 neighbors
- \*Look at the North flight plan which is directly over their neighborhood
- \*Reducing the number of operations allowed
- \*Purchased the land and built home for peace and quiet

Loren Bahls of 26340 Wyldewood Dr, has concerns and commented about:

- \*Noted he canvassed the area with the petition
- \*Presented slides outlining ordinance requirements and areas of concern

Commissioner Hartman asked Mr. Bahls how he proceeded to obtain signatures and noted that different people could have offered different information to the potential signees which does raise a red flag on how petitions signatures are obtained in any situation. Commissioner Hartman referenced letters from the two residents that changed their mind and now support the heliport.

Elizabeth Brandt, no address provided, has concerns about:

- \*Quality of living life in the country and the peace and quiet
- \*Effect on home values
- \*The number of trips

Glen Neuberg of Cedar Lake Township, has concerns and commented about:

- \*Use of private helicopter in residential areas
- \*Safety and quality of life
- \*Recommended to set up a time to observe take off and landings
- \*Suggestions for modified conditions

Shawn Peterson of 26251 Wyldewood Dr, commented on:

- \*Lives in close proximity to applicant
- \*Fully supports the approval of heliport

Bruce Facile of 26490 Wyldewood Dr, commented on:

- \*Lives close to the heliport
- \*Provided some history on the property and noted it was ghost-platted for 10 homes and feels the heliport is a better option then 10 additional homes

Joe Gross of 26705 Meadow Ridge Ct, commented on:

- \*Licensed pilot for 25 years and cited his credentials
- \*Knows a lot about airline safety and regulations
- \*Vouching for applicant's safety standards and has witnessed his safe use of helicopter

Sean Murphy of 26545 Wyldewood Dr, commented on:

- \*Resident of neighborhood and supports approval of the heliport
- \*Has witnessed the eagle spending a lot time flying over the slough and believes it would not be in danger
- \*Noted there is extensive amounts of noise in the area from wide variety of sources and deals with lawn mower noise often when entertaining in backyard with his pool

Dominic Magne of 6 Hadley Ln, Edwardsville, IA, commented on:

- \*Experienced helicopter pilot, worked in MN as a pilot for several years
- \*Trained applicant to fly his helicopter and supports the heliport
- \*Applicant scored 98% on written test
- \*Has flown out of the subject property several times. The size of property and the power of helicopter will allow for pilot to reach 500 ft quickly

Commissioner Johnson asked Mr. Magne about his reference that the applicant has enough hours to obtain a commercial license. She wondered if the applicant obtained a commercial license, would it mean more traffic coming and going from the helipad. Mr. Magne explained why he referenced the eligibility to meet commercial license standards.

Kelly Schieffer, spouse of applicant, commented on:

- \*Has known applicant for 27 years
- \*Knows he would not put himself or his family in jeopardy
- \*As a health care professional, is deeply concerned about safety and knows the applicant has done everything possible to ensure safety
- \*Noted noise around their property from low flying aircraft, jake brakes, motorcycles, snowmobiles occurring on a regular basis and does not understand the noise comparison to a 90 second landing

David Turnberg of 26210 Wyldewood Dr, commented on:

- \*Strongly in support of the heliport,
- \*Feels there is significant noise in the neighbor from variety of everyday sources, citing jake brakes, low flying aircraft, classic cars with loud mufflers
- \*Read comments from local equestrian barn stating they have had no problems with their horses and helicopters such as at horse shows when evacuating injured riders
- \*Discussed the petition processes

Todd Hutchinson of 26355 Wyldewood Dr, has concerns about:

- \*Not in support of the heliport
- \*Has lived in the neighborhood for 18 yrs.
- \*Most concerned about effect on home values

Trent Schieffer of 1407 4<sup>th</sup> St NW, New Prague, commented on:

- \*Relative of applicant
- \*Does not think the heliport will influence home values

Jennifer Heim of 26475 Wyldewood Dr, commented on:

- \*In support of heliport
- \*Noted there is a lot of everyday noise in their neighborhood
- \*Her direct experience with the helicopter noise

Laurie Facile of 26490 Wyldewood Dr, commented on:

- \*Next door neighbor to applicant
- \*In support of the heliport

Bob Hidalgo of 26180 Wyldewood Dr, commented on:

- \*Neighbor to applicant and has known him for several years
- \*In support of the heliport
- \*Works outside doing sprinkler system and found the noise less than he expected

Ben Portillo of 24346 E. Cedar Lake Dr New Prague, commented on:

- \*Longtime friend of applicant, lives few miles down the road
- \*Deals with float planes and jet skis on Cedar Lake
- \*In support of what applicant is doing

Planning Manager Brad Davis reported no other comments were received from the live email.

**Motion by Commissioner Hartman to close the public hearing; second by Commission Johnson. The motion carried with a roll call vote. Chair Vonhof called for a roll call vote to close the public hearing with results as follows:**

**Commissioner Vonhof: Aye  
Commissioner Hartmann: Aye  
Commissioner Hentges: Aye  
Commissioner Hrabe: Aye  
Commissioner Huber: Aye  
Commissioner Johnson: Aye  
Commissioner Watson: Aye**

**The motion passed with 7 Ayes**

Commissioner's Discussion and Comments:

Commission Johnson commented on the lack of credibility of the petitions learning that they can be signed online from all over the country. She does own trucks that have jake brakes. She noted the cost of this situation may be the division of a neighborhood and described her own experience with such a situation. She said there's some additional research that should be done.

Commissioner Hartman commented on the precedent that will be set for this private helipad CUP. He said there was significant information provided by the applicant and other experts. He said he supports the modifications to the conditions. He said the annual review responsibility will need to be worked out with the Township but overall, he is in favor of approving the request.

Commissioner Hrabe said he applauds everyone who came forward to speak on their position. He said he is impressed with aviation expert's, Rex Alexander, knowledge and presentation. He said the applicant has done his homework.

Commissioner Watson said he has some concerns. Since this is the first CUP Heliport in Scott County, he said he wants to make sure it is done right. He would like more understanding of conditions such as security of a heliport and flying weather before deciding.

Commissioner Huber stated he is in support of the CUP noting the helipad is at least 800 ft from nearest home, trips are limited between 50-80 times per year, noise is kept below MPCA requirements, and draft conditions limit flying to daylight hours. He said he has no issues with float planes at his home and cabin and at 500ft elevation believes animals won't be affected. He is in favor of approving the CUP with the modified conditions.

Commissioner Hentges said she has some concerns and would like to table the matter to gather additional information before deciding. Since this is the first CUP for a private heliport, she would like to ensure it is done right as it will affect future potential heliports. She said she is not in support of the current conditions as written.

Commissioner Vonhof concurred with Commission Hentges and said he supports the request being tabled until next meeting to gather more information before making a recommendation. He noted his experience with helicopters in working in law enforcement. He commended the audience for the valuable input from all parties. He said since this is the first time the Planning Commission is considering a private heliport; it needs to be done right.

Marty Schmitz requested the Board articulate what specific topics need more information.

Commissioner Johnson said more details on specific hours of operation, sound/noise, and an Elko New Market fire plan.

Commissioner Hartman said more details on annual inspection by Cedar Lake Town Board and Planning Commission.

Commissioner Watson wanted to know more about the connectivity between FAA standards and Scott County ordinances and more clarification on how proposal meets MPCA standards.

Commissioner Hrabe wanted to make sure the Board is not be redundant in its request to seek new information. He said a lot of information has already been provided. He felt like the FAA standards, noise, and hours of operation were addressed. He said he does not want to come back next month to read and hear the same information.

Commissioner Hentges agrees with Commissioner Hrabe but is interested in seeing the conditions have more “teeth” in them should they be violated.

**Motion by Commissioner Hentges; second by Commission Johnson, to table the matter of the Schieffer application for a heliport until next month for the purpose of obtaining further research on the areas noted as concerns recognizing that should it be passed, this CUP will be setting a precedent for future heliports in Scott County. Chair Vonhof called for a roll call vote to approve the motion with results as follows:**

**Commissioner Vonhof: Aye  
Commissioner Hartmann: Aye  
Commissioner Hentges: Aye  
Commissioner Hrabe: Nay  
Commissioner Huber: Nay  
Commissioner Johnson: Aye  
Commissioner Watson: Aye**

**The motion passed with 5 Ayes and 2 Nays.**

#### **V. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis**

#### **VI. GENERAL & ADJOURN**

**Motion by Commissioner ; second by Commission to adjourn the meeting at 11:03 PM. The motion carried unanimously.**

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**Tom Vonhof  
Chair, Planning Advisory Commission**

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**Date**

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**Barbara Simonson  
Deputy Clerk to the Board**

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**Date**





## STAFF REPORT PREPARED FOR TOWNSHIPS & COUNTY PLANNING ADVISORY COMMISSION

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952)496-8475 • Fax (952)496-8496 • Web [www.co.scott.mn.us](http://www.co.scott.mn.us)

### Mesenbrink Rezoning PL2020-047

#### Request:

A) Rezoning of 95.32 acres from Urban Expansion Reserve District, UER, to Urban Expansion Reserve Cluster District, UER-C.

Greg Wagner, Principal Planner, is the project manager and is available for questions at 952-496-8360.

#### General Information:

<b>Applicant:</b>	John Mesenbrink	<b>Site Location:</b>	17963 Natchez Avenue
<b>Property Owners:</b>	John & Mary Mesenbrink	<b>Township:</b>	Section 10, Credit River
<b>Public Hearing Date:</b>	September 14, 2020	<b>Action Deadline:</b>	December 3, 2020 (120 Day)

#### Zoning/Comprehensive Plan Information:

<b>Zoning District:</b>	Urban Expansion Reserve Cluster	<b>Comprehensive Land Use Plan:</b>	Urban Expansion
<b>Overlay Zoning District:</b>	Shoreland	<b>School District:</b>	Lakeville #194
<b>Watershed District:</b>	Scott WMO	<b>Fire District:</b>	Prior Lake Fire
<b>Ordinance Sections:</b>	Chapter 31	<b>Ambulance District:</b>	Allina Transportation

#### Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Application letter dated July 28, 2020
4. Certificate of Survey dated July 28, 2020

**Site Photo:** View of the existing 95 acre parcel and home location is indicated by arrow



### **Background & Analysis**

John and Mary Mesenbrink are requesting a rezoning of their 95.32 acre parcel in order to split off an existing home. The 95.32 acre parcel is a mix of open agricultural land, woodlands, and wetlands, and the parcel borders Murphy Hanrehan Park Reserve on the east and north boundaries. The parcel has several detached accessory buildings scattered through the property, and the applicants built a home on the parcel in 2019 for their daughter, which they are now looking to split off on its own parcel.

The Scott County Subdivision Ordinance allows existing residences on parcels 40 acres or larger to be subdivided administratively. Under the current Urban Expansion Reserve, UER, zoning district the density is 1 dwelling per 40 acres and a 40 acre minimum lot size. The applicants propose to rezone the parcel to the Urban Expansion Reserve Cluster, UER-C, zoning district that is also 1 dwelling per 40 acres but allows a 1 acre non-hydric soils minimum lot size.

The property is served by a residential driveway that extends back 2,000 feet and turns north where it also provides access to a land-locked neighbor's home. The home to be subdivided off was built in 2019 and is located just east of the northern turn in the drive. As proposed the new residential lot would be 4.29 acres and utilize an existing easement for access to the property. The applicants have applied for a lot frontage variance to eliminate the 2000 foot strip from being part of the lot. Approval of the variance is a condition of the rezoning approval before County Board consideration.

**Environmental:** A primary and an alternate septic site were identified when the home was built as part of the septic permit. The two septic sites are located on the proposed residential lot. Since the remnant parcel is over 80 acres Scott County Environmental Services is not requiring any additional septic work or review on that parcel.

**Natural Resources:** No grading or other land disturbing activities are proposed for this rezoning request. The National Wetland Inventory does not identify any wetlands on the subject property being subdivided off.

### **Township Recommendation:**

The Credit River Town Board will be making a recommendation at their October 2020 monthly meeting. A copy of the recommendation will be provided at the public hearing.



**Staff Recommendation:**

Based on the project information submitted by the applicant and subject to the conditions of approval, the proposed rezoning conforms to the Zoning and Subdivision Ordinances; therefore, staff recommends approval of the Rezoning based on the criteria for approval listed below.

**Criteria for Approval:**

1. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official County Comprehensive Plan.*

The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for Urban Expansion development density. When Credit River Township adopts their comprehensive plan the land use will be re-guided.

2. *The proposed use is or will be compatible with present and future land uses of the area.*

The use is not changing and while the lot size is being reduced the overall density will remain at one unit per 40 acres.

3. *The proposed use conforms to all performance standards contained in this Ordinance.*

The use of the property is not changing, the majority of the property will remain either agricultural, woodlands, or wetland except for areas around the buildings.

4. *The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.*

The use is not changing and therefore will not adversely impact public service capacity for local service providers.

5. *Traffic generation by the proposed use is within capabilities of streets serving the property.*

The use of the property is not changing so traffic generation will not increase beyond the current levels.

**Conditions to be Satisfied Prior to County Board Consideration:**

1. Approval of the lot width variance, or modification to the lot with to meet the full 100 foot lot width.

**Planning Advisory Commission/Township Alternatives:**

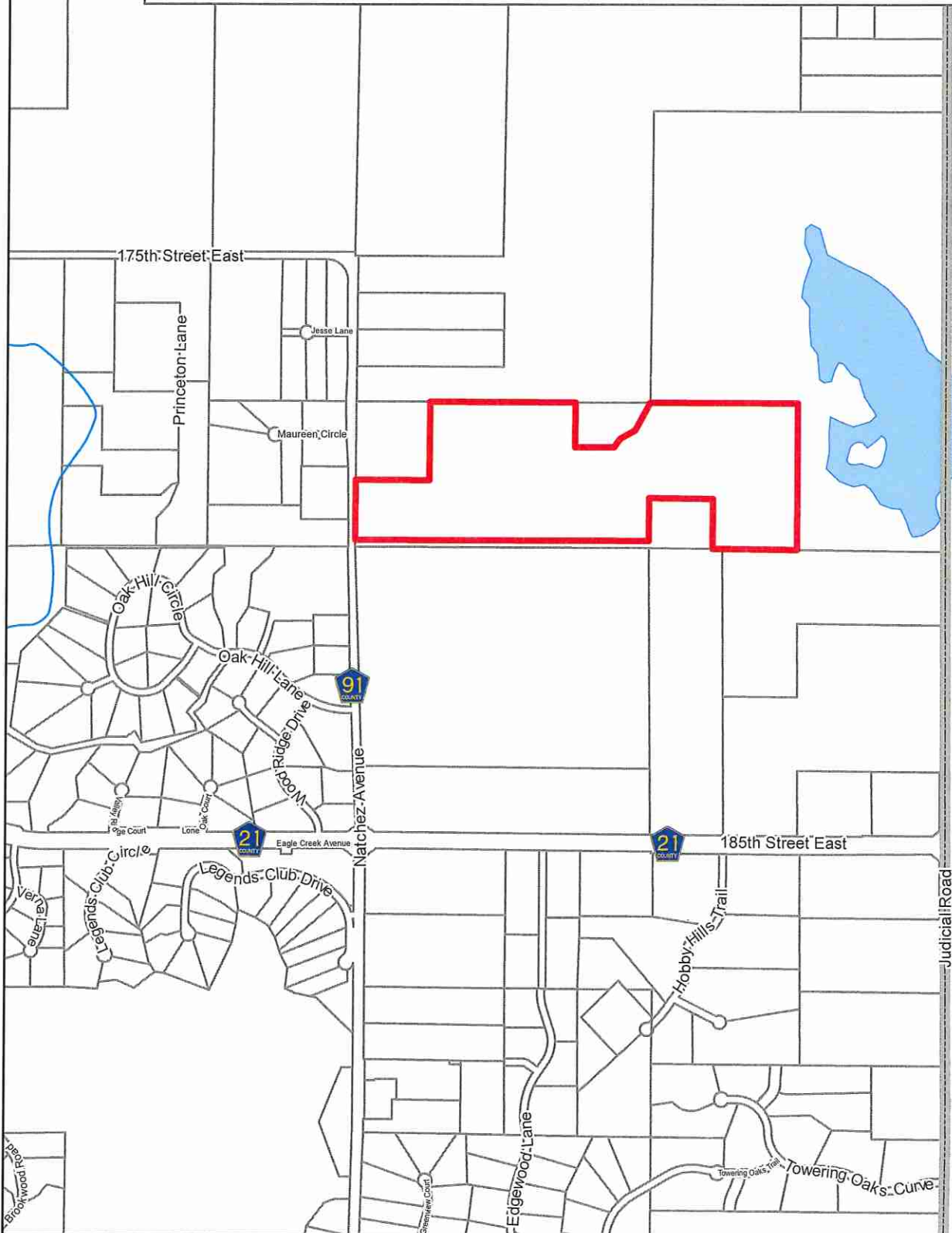
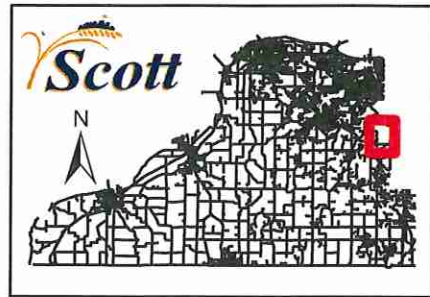
1. Approve the request as recommended by Zoning Administration staff.
2. Approve the request as recommended by the Zoning Administration staff with specific conditions.

3. Table the request for a specific reason.
4. Deny the request for a specific reason.

**Suggested Motion for Planning Advisory Commission or Township Board:**

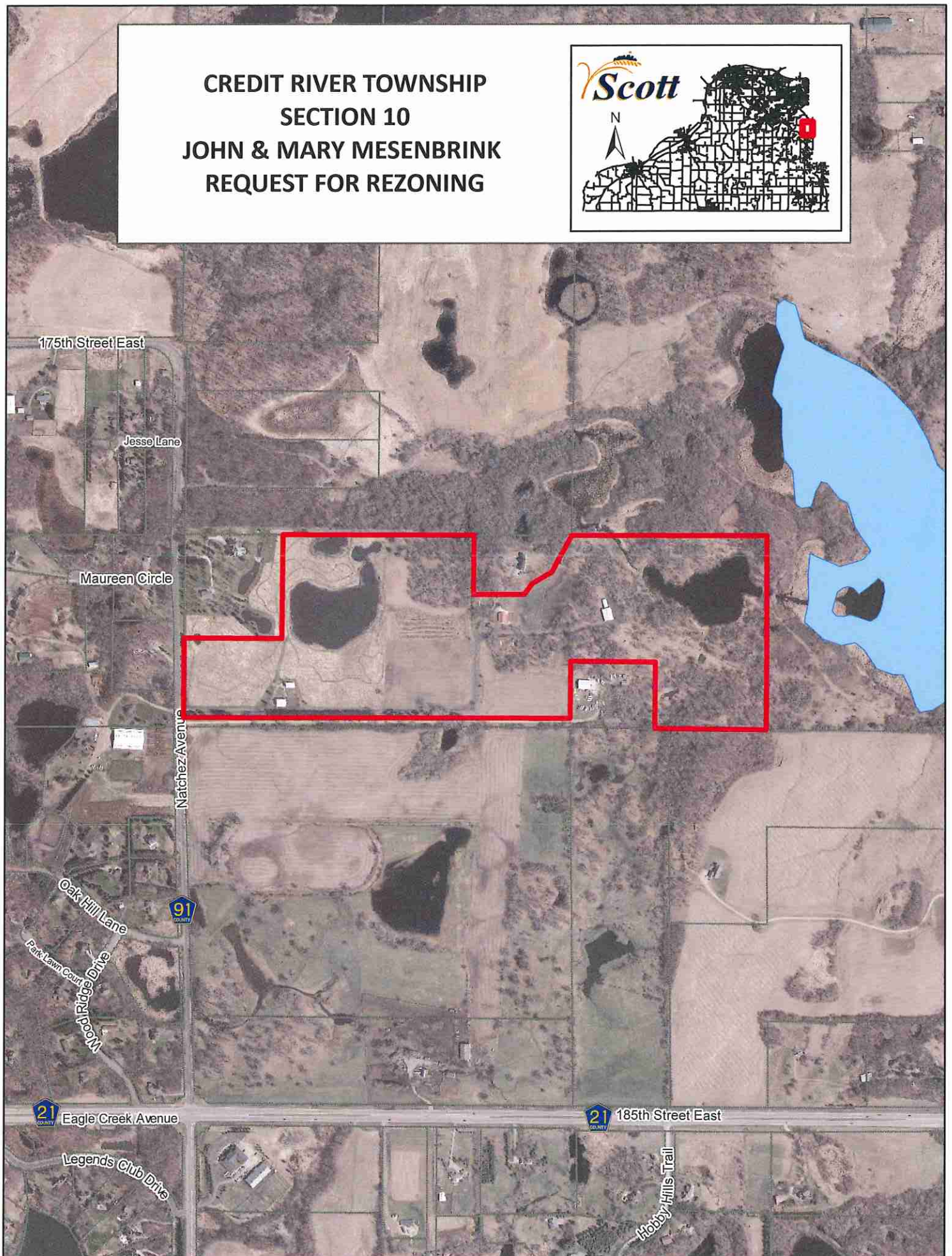
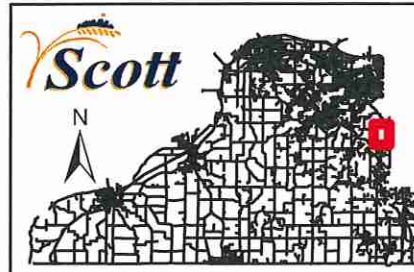
Based on the criteria for approval listed in the staff report, I recommend approval of the rezoning of 95.32 acres from UER, Urban Expansion Reserve District, to UER-C, Urban Expansion Reserve Cluster District.

**CREDIT RIVER TOWNSHIP  
SECTION 10  
JOHN & MARY MESENBRINK  
REQUEST FOR REZONING**





**CREDIT RIVER TOWNSHIP  
SECTION 10  
JOHN & MARY MESENBRINK  
REQUEST FOR REZONING**



July 28, 2020

Scott County Zoning Administration  
200 Fourth Avenue West  
Shakopee, MN 55379

To whom it may concern:

I am asking to rezone my property from UER to UER-C to split off a parcel for my daughter's home.

I am asking for a variance for the lot width from 100 foot wide to 66 foot wide due to the obstruction from one of our out buildings then back to the 100 foot width the rest of the way to the street.

Thank you,

  
John Mesebrink



Survey for:



That part of the Northeast Quarter of the Southwest Quarter of Section 18, Township 11N, Range 21, Scott County, Minnesota which contains the following described tract:

The Southwest Quarter of the Southeast Quarter of Section 10, Township 114, Range 21, Scott County, Minnesota,  
and  
The Southwest Quarter of the Southeast Quarter of Section 10, Township 114, Range 21, Scott County, Minnesota,  
contain the South 20 East of the West 200 East 100 West

The West 3/4 of the South half of the Southwest Quarter of Section 118, Township 118, Range 21, Scott County, Minnesota, lying North of the South 66.00 feet thereof, except the West 700.00 feet of the North 700.00 feet of the South half of the Southwest Quarter and except the South 100.00 feet of the West 725.00 feet and also except the South 50.00 feet which line, east of the West 775.00 feet thereof.

The Southwest Quarter of the Southwest Quarter of Section 10, Township 114, Range 21, Scott County, Minnesota, (lying North of the South 66.00 feet threat), excepting therefrom that part described as follows:

The point of sale is located on the south side of the Scott County General Highway 114, approximately 1/4 mile west of the Southwest Quarter of Section 10, Township 114, Range 31, Scott County, Minnesota, which is west of the East 110.00 feet and east of the West 66.00 feet thereof.

This part of the Northwest Quarter of the Southwest Quarter of Section 10, Township 134, Range 21, Scott County, Minnesota which was surveyed by first following described here:

The Southwest Quarter of the Southeast Quarter of Section 10, Township 114, Range 21, Scott County, Minnesota,

The Southeast Quarter of the Southwest Quarter of Section 16, Township 114, Range 24, Scott County, Minnesota, lying North of the South 34.00 feet thereof,

and

I wonder, really, that this record was measured for me or over me directly and that I am a full forward (and the South Hall of the Southwest Quarter,

Dated this 28th day of July, 1970

W. A. K. S.

Revised September 18, 2020

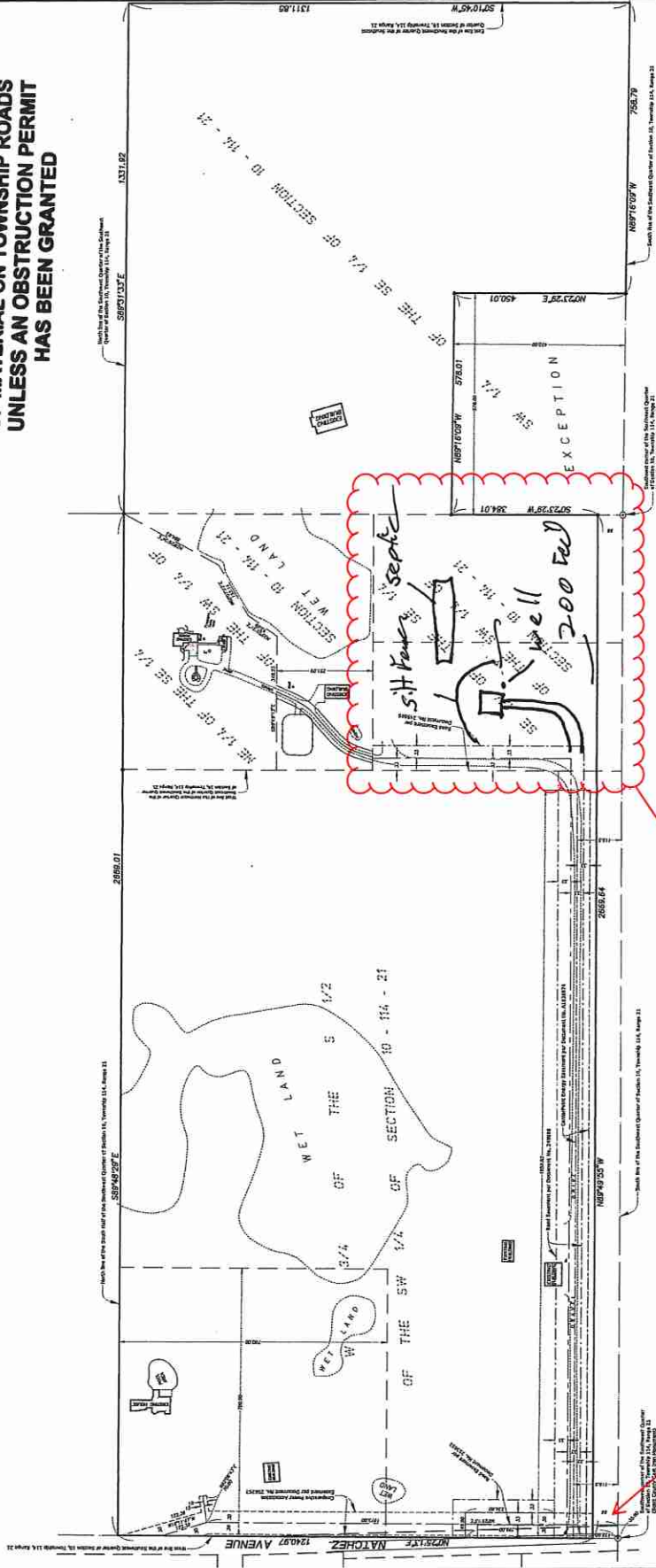
CIVIL ENGINEERS AND LAND SURVEYORS

JOB: 174-1321.102



# Survey for: JOHN & MARY MESENBRINK

CREDIT RIVER TOWNSHIP  
DOES NOT ALLOW  
THE STAGING OR STOCKPILING  
OF MATERIAL ON TOWNSHIP ROADS  
UNLESS AN OBSTRUCTION PERMIT  
HAS BEEN GRANTED



## PROPERTY DESCRIPTION

This part of the Northwest Quarter of the Southwest Quarter of Section 10, Township 14N, Range 21S, Grant County, Wisconsin, with the exception of the following described land, is the same as the land described in the plat of the Survey of the Southwest Quarter of Section 10, Township 14N, Range 21S, Grant County, Wisconsin, made by John & Mary Mesenbrink, dated the 15th day of February, 2015.

and

This part of the Southwest Quarter of the Southwest Quarter of Section 10, Township 14N, Range 21S, Grant County, Wisconsin, with the exception of the following described land, is the same as the land described in the plat of the Survey of the Southwest Quarter of Section 10, Township 14N, Range 21S, Grant County, Wisconsin, made by John & Mary Mesenbrink, dated the 15th day of February, 2015.

and

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and

This part of the Southwest Quarter of the Southwest Quarter of Section 10, Township 14N, Range 21S, Grant County, Wisconsin, with the exception of the following described land, is the same as the land described in the plat of the Survey of the Southwest Quarter of Section 10, Township 14N, Range 21S, Grant County, Wisconsin, made by John & Mary Mesenbrink, dated the 15th day of February, 2015.

Pending Lot Split - All  
required setbacks shall  
be met. Provide detailed  
survey when complete

Provide Address  
throughout  
construction



I hereby certify that this plat was prepared by me or under my direction and that I am a duly Licensed Land Surveyor in the State of Wisconsin.

RENEE A. DECKERT, INC.  
Renee A. Deckert, L.S. No. 10000  
WISCONSIN STATE REG. NO. 10000

Rehder and Associates, Inc.  
2400 Avenue 100 • Suite 110 • Appleton, Wisconsin • Phone (920) 421-5911  
JDSR 174-1227-1002



## STAFF REPORT PREPARED FOR TOWNSHIPS & PLANNING ADVISORY COMMISSION

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952)496-8653 • Fax (952)496-8496 • Web [www.co.scott.mn.us](http://www.co.scott.mn.us)

### Bauer Rezoning PL2020-057

#### Request:

A) Rezoning of 40 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density Districty.

Greg Wagner, Principal Planner, is the project manager and is available for questions at 952-496-8360.

#### General Information:

<b>Applicant:</b>	Carol Bauer	<b>Site Location:</b>	7880 255 <sup>th</sup> Street West
<b>Property Owners:</b>	Roger & Carol Bauer	<b>Township:</b>	Section 23, Belle Plaine
<b>Public Hearing Date:</b>	October 12, 2020	<b>Action Deadline:</b>	November 8, 2020 (60 Day)

#### Zoning/Comprehensive Plan Information:

<b>Zoning District:</b>	A-3, Agricultural Preservation Density	<b>Comprehensive Land Use Plan:</b>	Agricultural Area
<b>Overlay Zoning District:</b>	None	<b>School District:</b>	New Prague
<b>Watershed District:</b>	Scott WMO	<b>Fire District:</b>	New Prague
<b>Ordinance Sections:</b>	Chapter 27	<b>Ambulance District:</b>	Ridgeview

#### Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Site Map

<b>Comprehensive Plan-</b>	The property is guided as Agricultural Area in the 2040 Comprehensive Plan.
<b>Adjacent Land Use/Zoning-</b>	<u>North</u> – 40 acre agricultural parcel, zoned A-1 <u>South</u> – 40 acre ag parcel with home, zoned A-1 <u>West</u> – 40 acre agricultural parcel, zoned A-1 <u>East</u> – 105 acre ag parcel with home, zoned A-1
<b>Existing Conditions-</b>	The property is a 100 acre farmstead on either side of 255 <sup>th</sup> Steet West. The farmstead sits on 10 acres north of the road surrounded by agricultural land; 40 acres of ag land sits south of the township road.
<b>Ordinance Requirements-</b>	<u>Density</u> – 1 dwelling unit per 40 acres. <u>Lot Size</u> – Determined by topography and ability to locate the dwelling, accessory buildings, and 2 septic sites. <u>Lot Width</u> – 300 feet <u>Structure Setbacks:</u> Front Yard: 100' feet from township road centerline Side Yard: 30 feet Rear Yard: 60 feet
<b>Proposed Development-</b>	<u>Density</u> – 1 dwelling unit per 40 acres <u>Lot Size</u> – 10 acres for the existing farmstead <u>Lot Width</u> – 660 feet <u>Setbacks</u> – The existing farmstead dwelling and accessory buildings meet all required structure setbacks.
<b>Existing Roads-</b>	The property has frontage on 255 <sup>th</sup> Street West, a gravel Belle Plaine Township road.
<b>Proposed Roads-</b>	No new roads are proposed for this project.
<b>Public Hearing Notice-</b>	Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.



**Site Photo:**

View of the existing farmstead property and surrounding agricultural land.

**Background & Analysis**

Carol Bauer is proposing to rezone 40 acres of her 100 acre parcel located in section 23, Sand Creek Township. The rezoning from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District, would allow Carol and Roger Bauer, land owners, to subdivide their 10 acre farmstead from the surrounding agricultural land. Under the Scott County Subdivision Ordinance existing farmsteads can be administratively subdivided from parcels 40 acres or larger. Both the existing A-1 and proposed A-3 zoning districts have a development density of 1 dwelling per 40 acres; however, the A-3 district allows a parcel size less than 40 acres to be created.

The Bauer farmstead is centrally located on their 100 acre parcel with driveway access to 255<sup>th</sup> Street West, a gravel Belle Plaine Township road. Surrounding the farm buildings is open agricultural land, and another 40 acres of the parcel exists on the south side of the road. The applicants have provided a site map showing the proposed 10 acre lot. The applicant has a surveyor creating a lot survey and new legal descriptions for the 10 acre parcel and remnant properties. Staff will verify all existing building setbacks to the new parcel lines as part of the administrative subdivision, which is contingent on the rezoning.

**Environmental:** A compliance inspection was completed on the existing septic system that found the system to be non-compliant due to lack of separation from the water table. This area of Scott County has low susceptibility for groundwater contamination so the property owners have 10 years to replace the septic system. For the administrative subdivision the owners' and their septic evaluator have found two new sites, replacement and future alternate site. Environmental Services staff is recommending approval of the rezoning and will verify septic locations on the site survey as part of the administrative subdivision application.

**Township Recommendation:**

The Belle Plaine Town Board will be making a recommendation at their October monthly meeting. A copy of the recommendation will be provided at the public hearing.

**Staff Recommendation:**

Based on the project information submitted by the applicant and subject to the conditions of approval, the proposed rezoning conforms to the Zoning and Subdivision Ordinances;

therefore, staff recommends approval of the Rezoning based on the criteria for approval listed below.

**Criteria for Approval:**

1. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official County Comprehensive Plan.*  
The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for preservation of agricultural land.
2. *The proposed use is or will be compatible with present and future land uses of the area.*  
The property use is not changing from the existing farmstead and agricultural land, and while the home lot size is being reduced the overall density will not increase.
3. *The proposed use conforms to all performance standards contained in this Ordinance.*  
The use of the property is not changing; the majority of the property will remain in agricultural production.
4. *The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.*  
The use is not changing or increasing development and therefore will not adversely impact public service capacity for local service providers.
5. *Traffic generation by the proposed use is within capabilities of streets serving the property.*  
The property is served by 255<sup>th</sup> Street West, a gravel Belle Plaine township road, and there will be no increase in traffic based on this request.

**Township Board/Planning Advisory Commission Alternatives:**

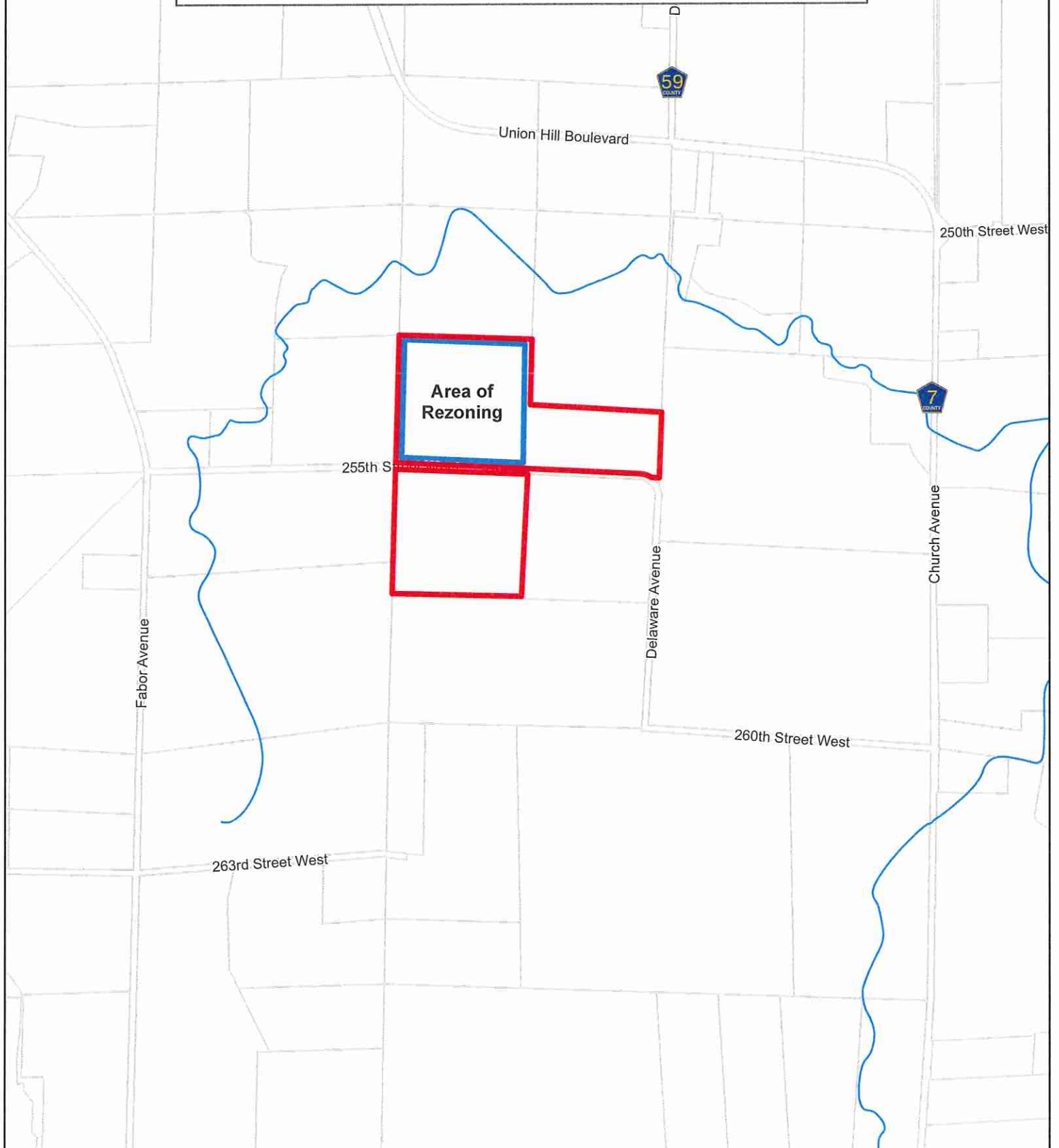
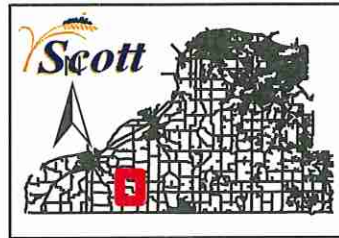
1. Approve the request as recommended by Zoning Administration staff with the specified conditions.
2. Approve the request as recommended by the Zoning Administration staff with amendments to the conditions.
3. Table the request for a specific reason.
4. Deny the request for a specific reason.

**Suggested Motion for Belle Plaine Orderly Annexation Board:**

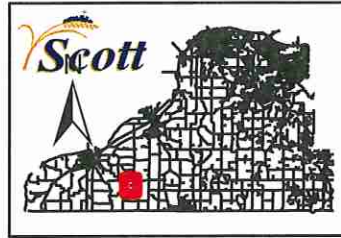
Based on the criteria for approval listed in the staff report, I recommend approval of the rezoning of 40 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density Districty.



**BELLE PLAINE TOWNSHIP  
SECTION 23  
CAROL BAUER  
REQUEST FOR REZONING**



**BELLE PLAINE TOWNSHIP  
SECTION 23  
CAROL BAUER  
REQUEST FOR REZONING**



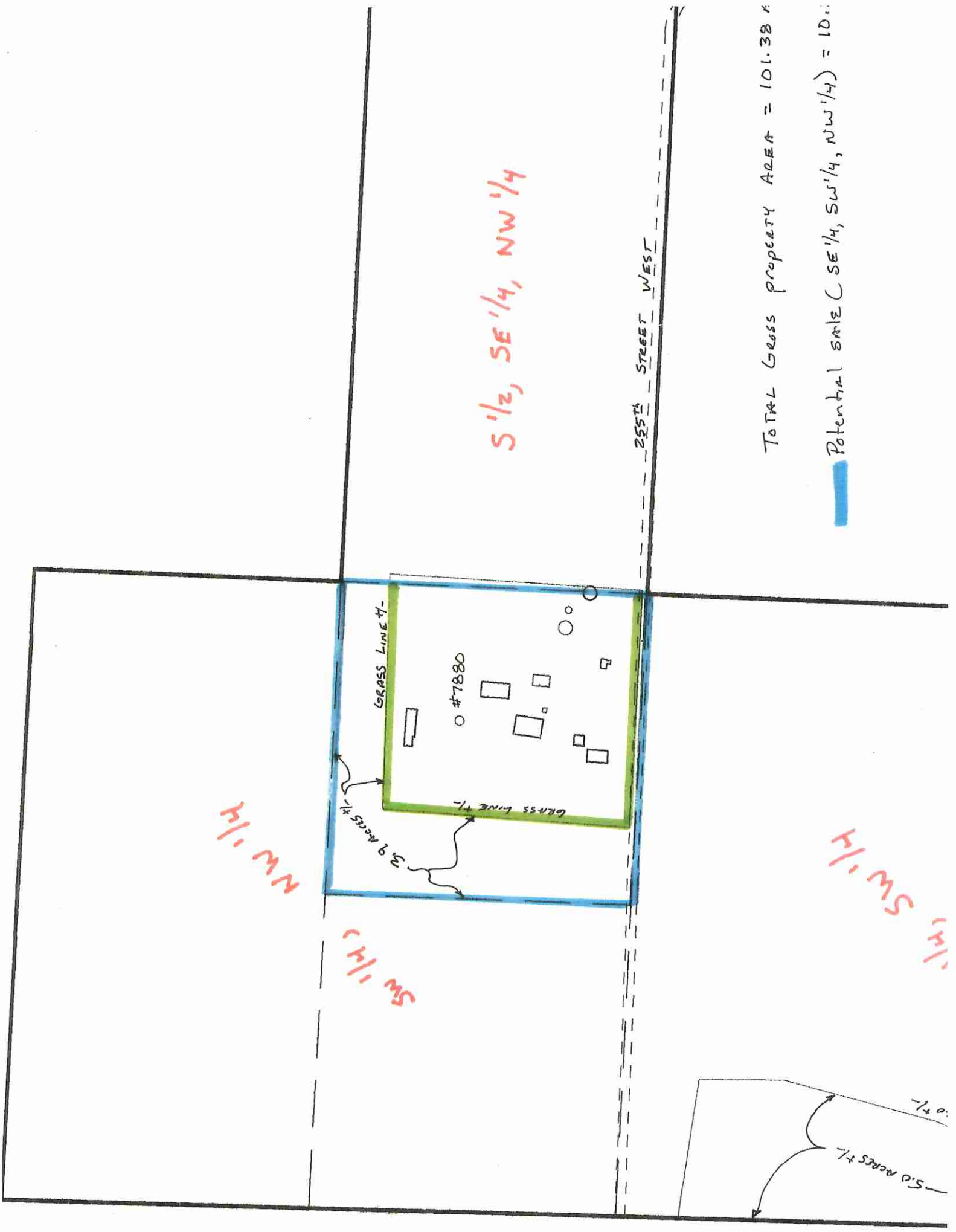
**Area of Rezoning**

Delaware Avenue

260th Street West

263rd Street West





S 1/2, SE 1/4, NW 1/4

255th STREET WEST

TOTAL GROSS PROPERTY AREA = 101.38 A

Potential sale (SE 1/4, SW 1/4, NW 1/4) = 10.1





## STAFF REPORT PREPARED FOR TOWNSHIPS & COUNTY PLANNING ADVISORY COMMISSION

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952)496-8475 • Fax (952)496-8496 • Web [www.co.scott.mn.us](http://www.co.scott.mn.us)

### Preliminary Plat and Final Plat of Sioux Valley Estates

#### Request:

- A) Preliminary Plat of Sioux Valley Estates consisting of 4 lots on 40 acres.
- B) Final Plat of Sioux Valley Estates consisting of 4 lots on 40 acres.

Nathan Hall, Associate Planner, is the project manager and is available for questions at 952-496-8892.

#### General Information:

<b>Applicant:</b>	Adam Besse, Jessica Besse, Andrew Sellner, & Sarah Marsnik	<b>Site Location:</b>	SW¼ SW¼ Section 11, New Market Township
<b>Property Owners:</b>	Same as above	<b>Township:</b>	Section 11, New Market
<b>Public Hearing Date:</b>	October 12, 2020	<b>Action Deadline:</b>	November 27, 2020 (60 Day)

#### Zoning/Comprehensive Plan Information:

<b>Zoning District:</b>	Rural Residential Single Family, RR-1	<b>Comprehensive Land Use Plan:</b>	Rural Residential Growth Staged
<b>Overlay Zoning District:</b>	None	<b>School District:</b>	Prior Lake - Savage #719
<b>Watershed District:</b>	Vermillion River	<b>Fire District:</b>	Elko New Market
<b>Ordinance Sections:</b>	Chapters 2 & 40	<b>Ambulance District:</b>	Allina

#### Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Preliminary Plat
4. Final Plat
5. Environmental Health Department Memo dated September 9, 2020
6. Natural Resources Department Memo dated September 18, 2020
7. New Market Township Recommendation

<b>Comprehensive Plan-</b>	The proposal is in conformance with the goals and policies identified in the Scott County 2040 Comprehensive Plan for land use and development in the Rural Residential Growth Staged Area.
<b>Adjacent Land Use/Zoning-</b>	<u>North</u> – 10-acre agricultural parcels, zoned RR-1 <u>South</u> – 10-acre residential parcels, zoned RR-1 <u>West</u> – 16-acre residential parcel, zoned RR-1 <u>East</u> – 40-acre agricultural parcel, zoned RR-1
<b>Existing Conditions-</b>	The 40-acre parcel primarily includes productive acres, with some wetland and stands of trees. The property is accessed from 240 <sup>th</sup> Street East and is bordered by a protected watercourse.
<b>Ordinance Requirements-</b>	<u>Density</u> – 1 dwelling unit per 10 acres.  <u>Lot Size</u> – 10 acres with 1 acre of non-hydric soil to accommodate two (2) individual sewage treatment sites.  <u>Lot Width</u> – 300 feet from the front setback line maintained to the primary building site.  <u>Structure Setbacks:</u> Front Yard: 100 feet from centerline of the township road Side Yard: 30 feet Rear Yard: 60 feet DNR Protected Watercourse: 100 feet to structure and 75 feet to septic
<b>Proposed Development-</b>	<u>Density</u> – 1 dwelling unit per 10 acres.  <u>Lot Size</u> – Proposed lot sizes are 10 acres.  <u>Lot Width</u> – The minimum lot width proposed is 300 feet  <u>Setbacks</u> – The proposed home locations meet required road and property line setbacks.
<b>Existing Roads-</b>	The parcels have frontage on 240 <sup>th</sup> Street East, a gravel New Market Township road.
<b>Proposed Roads-</b>	No new roadways are proposed as part of this plat.
<b>Public Hearing Notice-</b>	Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.

**Site Photo - View of the parent parcel.**



**Background/Zoning:**

The applicants are proposing to subdivide an approximately 40-acre parcel located in Section 11 of New Market Township. The property is zoned Rural Residential Reserve (RR-1). The 2040 Comprehensive Plan guides this area of New Market Township as Rural Residential Growth Staged, which allows parcels to rezone to the Rural Residential Single Family District (RR-2). The applicants are not requesting the rezoning along with the proposed subdivision and intend to comply with the lower density requirements. Lots may be platted to a 10-acre minimum lot size under the RR-1 density, which is 1 dwelling unit per 10 gross acres.

The 40-acre parcel is bordered to the east by a DNR Protected Watercourse. Along the watercourse is a wetland area that extends into the subject property. Other nearby parcels are 10 acres or larger and many contain residences. The applicants are proposing to create four residential lots, each 10-acres in size.

**Access/Road Analysis:**

The proposed parcels will have lot frontage on 240<sup>th</sup> Street East, a gravel New Market Township road. The subdivision proposes four new driveway accesses from the township road. These driveways will require a permit from the township.

**Environmental/Natural Resources Analysis:**

Primary and alternate septic sites have been identified for all four lots. The Scott County Environmental Services staff have reviewed the application and in a September 9<sup>th</sup> memo highlight several items that need to be addressed before the application will be in compliance with the Scott County SSTS Ordinance, including the appropriate sizing of



building pads, additional boring locations, flood elevations, identification of tile line, and identification of appropriate setbacks on the preliminary plat map. The attached plat map is a revised copy that was submitted on September 30<sup>th</sup>, 2020. Environmental Services staff have not had the opportunity to review the revised documents, but it does appear that a number of these items may have been addressed. Any requirements of Scott County Environmental Services Department have been placed as conditions of plat approval to be satisfied prior to County Board consideration.

No grading is proposed as part of the proposed plat; the driveway and home grading will occur after driveway and building permit approval. It has been proposed less than 1 acre of land would be disturbed by future driveways and home sites, thereby eliminating the requirement to incorporate stormwater volume control practices in the design. Wetland boundaries were delineated for and submitted to the Scott Soil and Water Conservation District and County Natural Resources for review. Conservation easements will be required to be filed with the final plat.

The Scott County Natural Resources Department has reviewed the application and provided an attached memo, dated September 18, 2020. The Natural Resources Department review includes nine comments related to items that need to be identified on the plan set. Natural Resources staff have not had the opportunity to review the revised documents that were submitted on September 30<sup>th</sup> but it does appear that a number of these items may have been addressed. Any requirements of Scott County Natural Resources Department have been placed as conditions of plat approval to be satisfied prior to County Board consideration.

**Township Recommendation:**

The New Market Town Board has recommended approval of the plat request at their September meeting. The recommendation form is attached to this report.

**Staff Recommendation:**

Based on the project information submitted by the applicant and subject to the conditions of approval, the proposed plat conforms to the Zoning and Subdivision Ordinances; therefore, staff recommends approval of the Preliminary Plat and Final Plat based on the criteria for approval listed below.

**Conditions to be Satisfied Prior to County Board Consideration:**

1. Any conditions stated in the Scott County Natural Resources Department review of the preliminary plat. Conservation Easements shall be dedicated in conjunction with the Final Plat.
2. Any conditions stated in the Environmental Services Department review of the preliminary plat.
3. Submission of up-to-date title insurance or opinion as required for review by the County Attorney's Office.
4. County Surveyor, Attorney and Recorder review and signing of the plat Mylars.
5. Payment of all New Market Township and Scott County Final Plat fees.

**Criteria for Approval:**

1. *Adequate Drainage* – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance.
2. *Adequate Potable Water Supply* – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – the proposed lots have frontage and driveway access to 240<sup>th</sup> Street East, a gravel Township Road.
4. *Adequate Waste Disposal Systems* – the proposed lots meet all requirements of the individual sewage treatment system ordinance.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Rural Residential Growth Staged Area.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as it is adding four additional lots.
7. *Consistency with the Minnesota Environmental Quality Board's Policies*- the proposal does not require any environmental review and is therefore consistent with the policies of the Minnesota Environmental Quality Board.
8. *Consistency with Capital Improvement Plans* – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County's capital improvement plan.

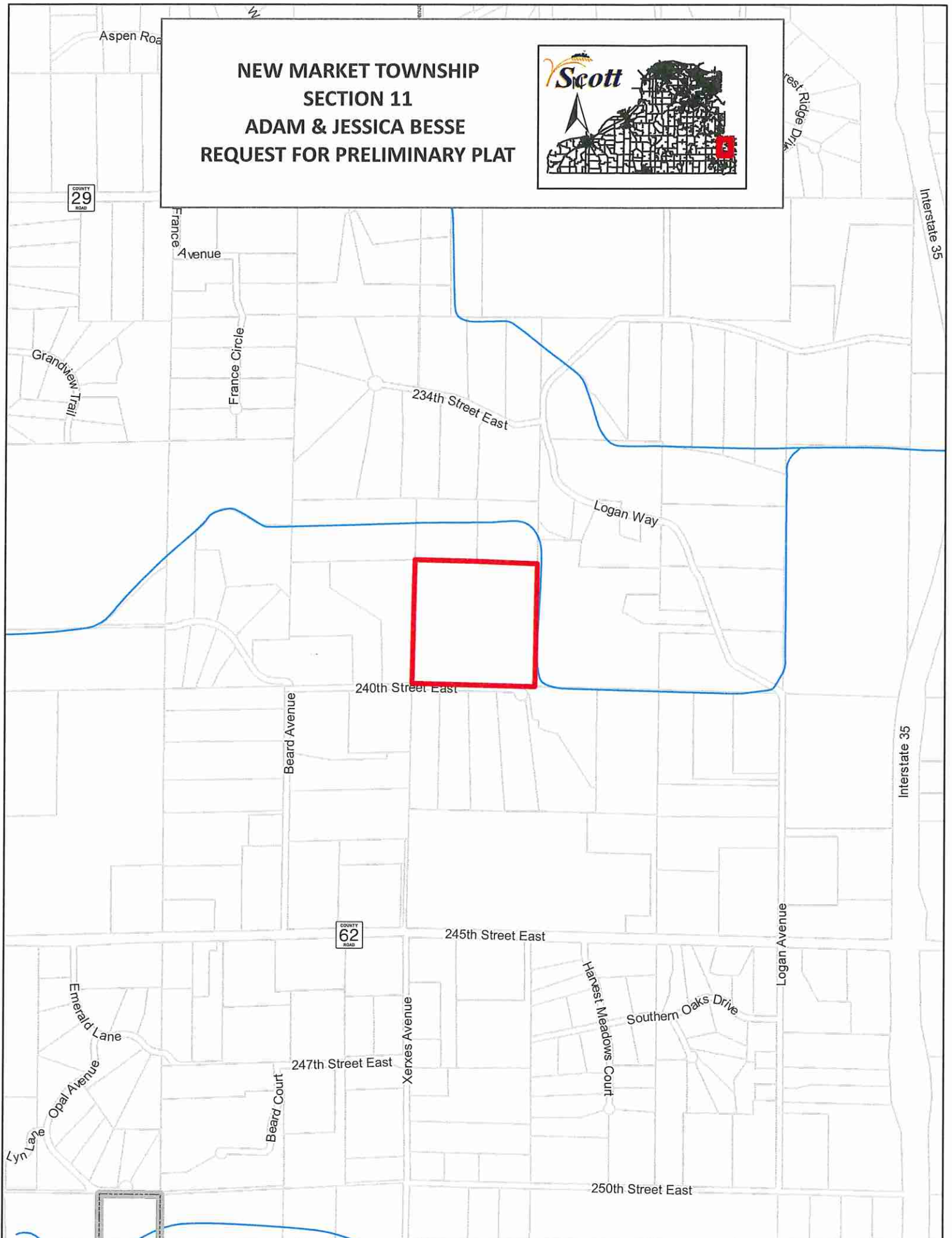
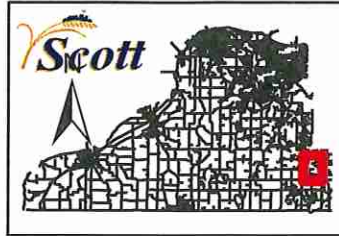
**Planning Advisory Commission/Township Alternatives:**

1. Approve the request as recommended by Planning Staff with the specified conditions.
2. Approve the request as recommended by the Planning Staff with amendments to the conditions.
3. Table the request for a specific reason.
4. Deny the request for a specific reason.

**Suggested Motion for Planning Advisory Commission or Township Board:**

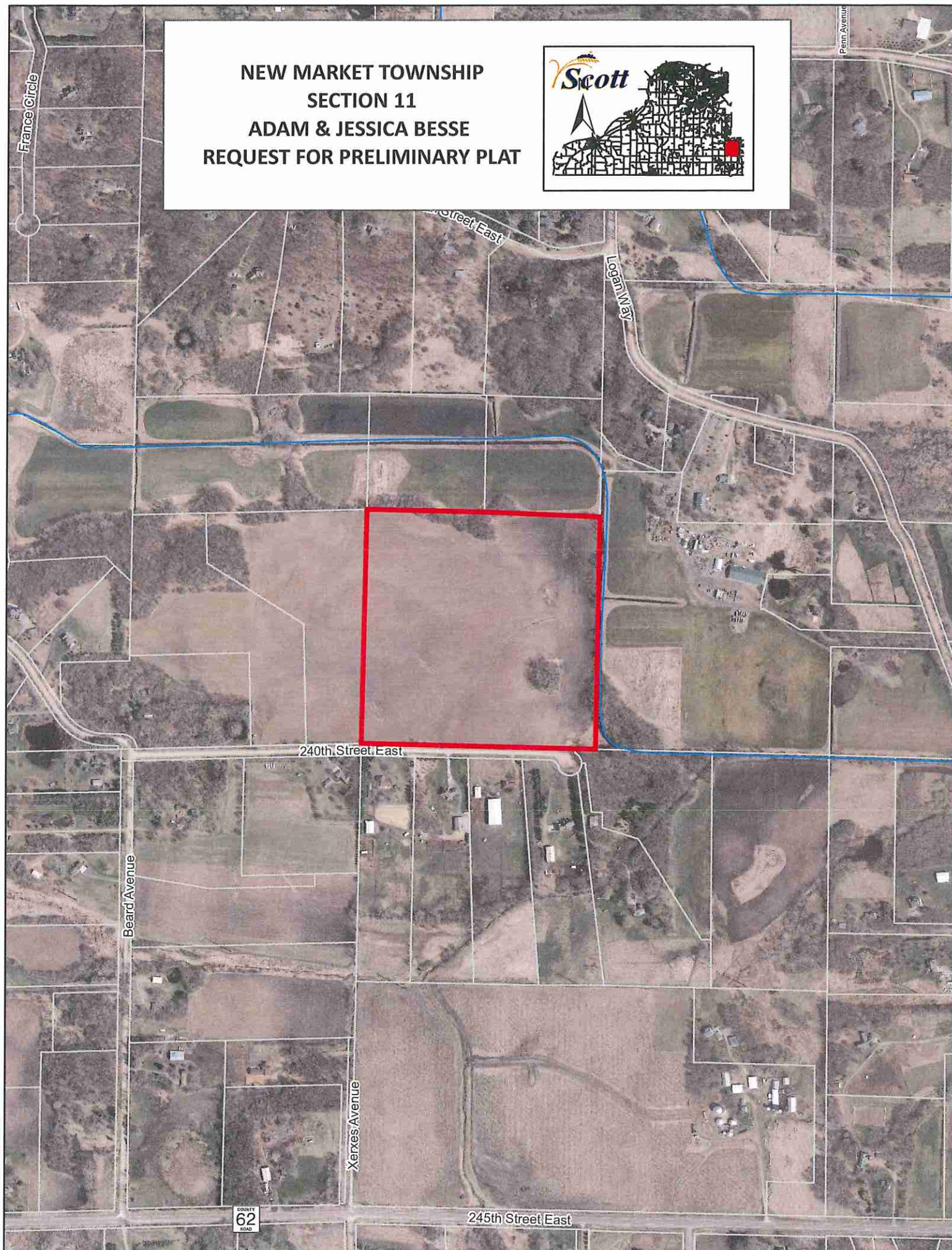
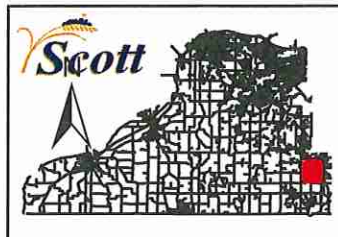
Based on the criteria for approval listed in the staff report, I recommend approval of the preliminary plat and final plat of Sioux Valley Estates, consisting of 4 lots on 40 acres, noting that this recommendation is subject to approval of the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the project.

**NEW MARKET TOWNSHIP  
SECTION 11  
ADAM & JESSICA BESSE  
REQUEST FOR PRELIMINARY PLAT**





**NEW MARKET TOWNSHIP  
SECTION 11  
ADAM & JESSICA BESSE  
REQUEST FOR PRELIMINARY PLAT**



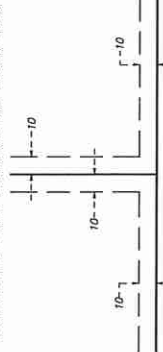


# Preliminary Plat of SIOUX VALLEY ESTATES

NEW MARKET TOWNSHIP  
SCOTT COUNTY, MN  
SEC. 11, T. 113, R. 21

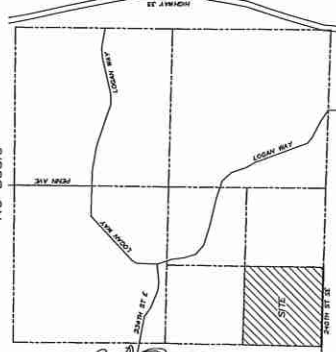
PROPOSED LOWEST FLOOR ELEVATION  
WO  
PROPOSED HOUSE STYLE  
WO  
PROPOSED LOWEST FLOOR ELEVATION  
WO  
HOUSE STYLE LEGEND  
WO  
LOOK-OUT  
WALK-OUT

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

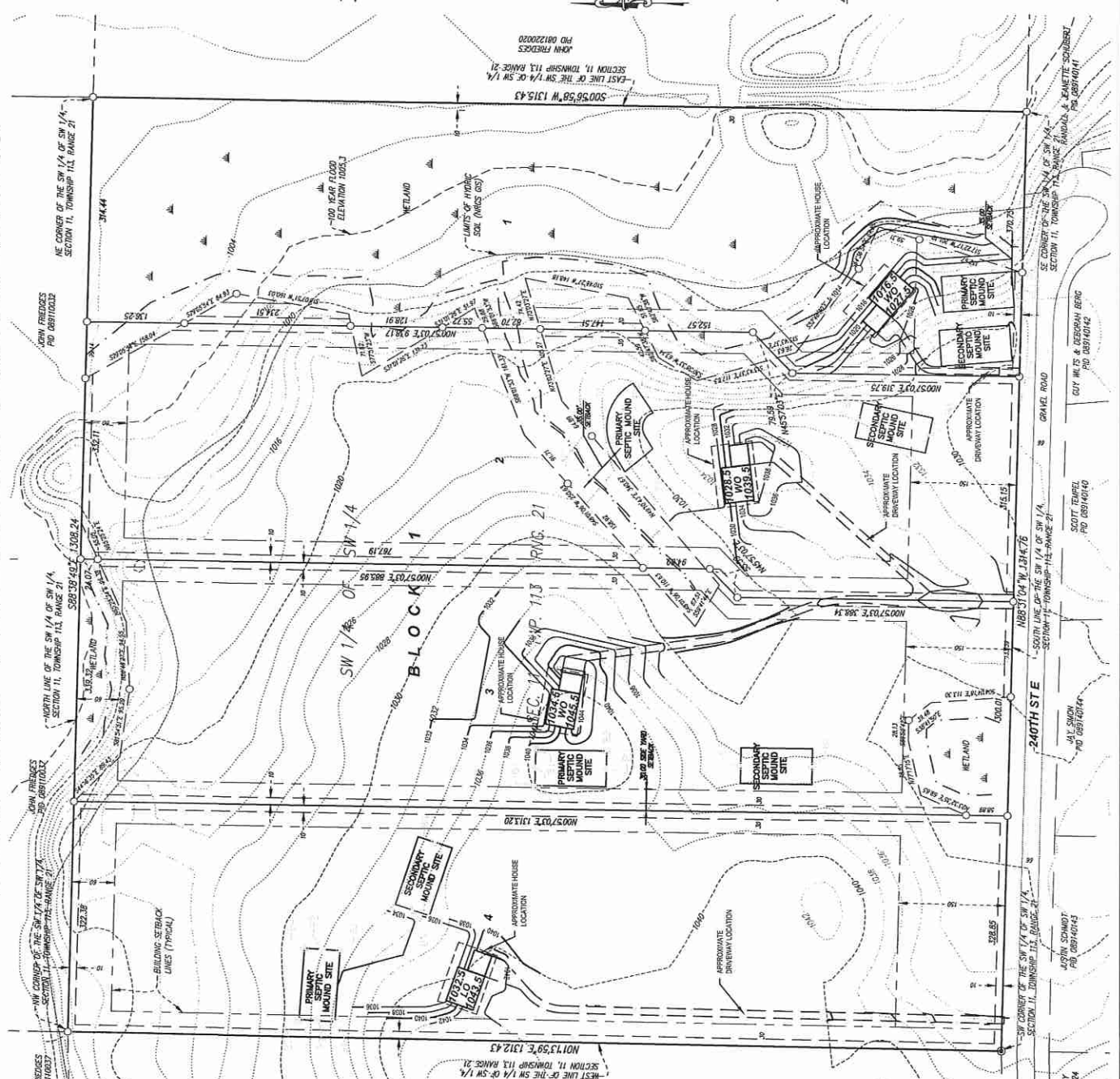


BEING 10 FEET IN WIDTH AND ADJOINING ALL LOT LINES

VICINITY MAP  
Section 11, T.113, R.21  
Scott County  
"No Scale"



LEGEND  
O DENOTES WETLAND MONUMENT AND SIGN



**FLOOD ZONE**  
THIS SITE IS INCLUDED ON FLOOD INSURANCE  
RATE MAP—COMMUNITY PANEL NUMBERS  
2704280155C. THE SITE IS LOCATED WITHIN  
FLOOD ZONE X.

## OWNER

Adam & Jessica Basse  
1439 Cutters Lane  
Eagan, MN 55122

## LOT AREAS

Lot 1 = 9.9 Acres  
Lot 2 = 9.9 Acres  
Lot 3 = 9.9 Acres  
Lot 4 = 9.9 Acres

## ZONING DISTRICT

CURRENT: RR-1 RURAL RESIDENTIAL RESERVE  
(NOTE: PROPERTY IS BEING REZONED TO RR-2  
RURAL RESIDENTIAL SINGLE FAMILY DISTRICT  
THE SAME TIME AS THE PLAT APPLICATION.)

## LOT REQUIREMENTS

Minimum Front Yard Setback:  
150 feet measured from the centerline of County or  
State road or 100 feet from the County or State  
road right of way, whichever is greater.  
Minimum Side Yard Setback 30 feet  
Minimum Rear Yard Setback 60 feet

## NOTE REGARDING PROPOSED

### IMPERVIOUS SURFACE

The impervious surface is proposed on this  
Preliminary Plat is 0.08 Acres. This area was  
calculated using 5,000 square feet for a proposed  
house and outbuildings, and the driveway shown  
hereon.

## NOTE REGARDING WETLANDS

Wetlands shown herein are per Wetland  
Delineation provided by Wayne Jacobson,  
Jacobson Environmental, LLC.  
1. WETLAND MONUMENTATION AND SIGNAGE  
AS SHOWN AND BUFFER ZONING SHALL BE  
UTILIZED FOR AGRICULTURAL USES.  
2. CONTACT SCOTT COUNTY AT  
553-5555 FOR WETLAND SIGNS AND  
SEEKING INFORMATION.

## NOTE REGARDING EXISTING DRAIN TILES

ANY EXISTING DRAIN TILE LINES FOUND  
DURING CONSTRUCTION SHALL BE REPORTED  
TO SCOTT COUNTY NATURAL RESOURCES  
DEPARTMENT AND MAINTAINED IN THE  
MANNER AS DIRECTED BY SCOTT COUNTY.

## LEGAL DESCRIPTION

The Southwest Quarter of the Southwest Quarter of  
Section 11, Township 113, Range 21, Scott County,  
Minnesota.







**SCOTT COUNTY**  
**Environmental Services**

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952) 496-8475 • Fax (952) 496-8496 • Web [www.scottcountymn.gov](http://www.scottcountymn.gov)

# Memo

**Date:** 9/9/2020  
**To:** Nathan Hall, Zoning  
**From:** David Guenther, Environmental Services Department  
**Subject:** PL2020-0036 Sioux Valley Estates Development

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The Scott County Environmental Services Department has completed a review of the project plans dated 8/26/20 for conformance with the regulations of the Scott County Subsurface Sewage Treatment System Ordinance (SSTS) #4 and Minn. Rules Chapter 7080. We find this application to be incomplete. Please request that the applicant complete the required changes and resubmit the changes to us for review and approval.

1. The proposed building pads need to be sized at a minimum of 5,000 square feet.
2. Lot 1, Block 1: the proposed septic sites are located in an area that contains hydric soil conditions according to the Scott County GIS mapping site. Hydric soils must be indicated on the plat plan, and all septic sites must be located outside of hydric soil boundaries.
3. Most of the percolation tests and boring locations are missing from the plat. The SSTS Ordinance requires two percolation tests for each primary site and two soil borings for each septic location.
4. Lot 1, Block 1 must meet the 10-foot setback requirement to property lines. All proposed septic sites must be shown to meet all required setbacks while maintaining 5000 sq. ft. at 50' x 100'.
5. Lot 3, Block 1 shows the proposed septic sites within the required 20-foot setback to an existing or proposed structure. These sites must meet the required twenty-foot setback.
6. 100-year flood elevation(s) for the wetland(s) must be indicated and shown on the plat plan. All septic sites must be located above the 100-year flood elevation(s).
7. Efforts must be made to locate all existing tile lines on the property. The applicant must either show any tile line found on the plat plan, or otherwise note that there is no tile on the property. Please contact Natural Resources Conservation Service (NRCS) at (952) 492-2636 to research existing tile lines (this must be done by the owner because the information is considered private).
8. All proposed grading for roads, house pads, and drainage must be included on the final draft of the preliminary plat plan.
9. How will the secondary site be accessed for construction on Lot 1 Block 1 with the site landlocked by wetlands? If an easement is put in place, written permission to cross the wetland will be needed from all appropriate authorities.

To ensure accuracy of information, the developer should review and coordinate changes made with the septic designer and surveyor.





**SCOTT COUNTY**  
**Natural Resources Department**

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952) 496-8475 • Fax (952) 496-8496 • Web [www.co.scott.mn.us](http://www.co.scott.mn.us)

# Memo

**Date:** 09/18/2020  
**To:** Marty Schmitz, Zoning Administrator  
**From:** Megan Tasca, P.E., Natural Resources Department  
**Subject:** PL2020-036 Sioux Valley Estates

---

The Scott County Natural Resources Department has completed a preliminary review of the preliminary and final plat for Sioux Valley Estates dated 8/26/20 for conformance with the regulations of the Scott County Zoning Ordinance #3, Chapter 6 requirements. Please complete the requested changes and modifications and resubmit for review and approval.

1. It appears that the driveway for lot 1 will impact a wetland area. Please shift the driveway outside of the wetland area or provide an approval for the proposed wetland impacts.
1. Easements for access to the secondary septic system on lot 1 will require crossing a wetland area drainage and utility easement. Please show on the plans.
2. Please provide a MnRAM analysis for vegetative diversity for all wetland areas to determine required buffer widths and conservation and drainage easement locations.
3. Provide planting information for all required wetland buffer areas.
4. Septic systems are not allowed within 35' of a delineated wetland edge. Please revise the alternate system location on lot 1 and the primary location on lot 2 to meet setback requirements if necessary, once the wetland boundaries are finalized.
5. Provide a plan showing required signage for the wetland buffer areas. Signs are required at each parcel line where it crosses a buffer strip and shall have a maximum spacing of 200 feet along the edge of the buffer. Additional monuments shall be placed as necessary to accurately define the edge of the buffer. A monument shall consist of a post and a buffer sign. The signs can be obtained from Scott County by contacting 952-496-8881.
6. A SWPPP will be required meeting all requirements of the MPCA NPDES Construction Stormwater Permit at the time of development for each lot.
7. Any tile lines found during construction must be reported to Scott County Natural Resources. Existing tile lines shall be abandoned in an appropriate manner. Please add a note to the preliminary plat about the requirements for tile lines.
8. Show the 100-YR preliminary flood plain line on the plans. 100-YR flood elevation for this parcel is 1005.3. The RFP elevation is 1006.8.
9. Add low floor elevation information for each lot. Low floors must be at least 1' above the RFP.

Please note the review of any wetland issues and/or review comments by the Township are not included.

If you have any questions or need clarification of these comments, please feel free to contact us at (952) 496-8881.

Cc: Nathan Hall, Planning

## TOWNSHIP RECOMMENDATION FORM

On September 1, 2020, the Town Board of New Market discussed  
with Adam Besse, the request to Divide 40 acre  
parcel into 4 10 acre parcels

After reviewing the Request, the Town Board:

X

RECOMMENDS APPROVAL

WITH THE FOLLOWING CONDITIONS: NONE

RECOMMENDS DISAPPROVAL

FOR THE FOLLOWING REASONS:

HAS NO RECOMMENDATION, BUT WILL FORWARD THE REQUEST TO THE  
PLANNING COMMISSION OR BOARD OF ADJUSTMENT.

SIGNED:

LeRoy L. Clavren CLERK [Signature] SUPERVISOR  
[Signature] SUPERVISOR Jeffrey [Signature] SUPERVISOR

White—County

Yellow—Township Copy

Pink—Applicant's Copy



## STAFF REPORT PREPARED FOR TOWNSHIPS & COUNTY PLANNING ADVISORY COMMISSION

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952)496-8475 • Fax (952)496-8496 • Web [www.co.scott.mn.us](http://www.co.scott.mn.us)

### 2040 Comprehensive Plan Amendment – Warren Peiffer, Applicant, PID #79220311

#### Request:

Reguide a 5-acre parcel in Louisville Township from “Urban Expansion Reserve” to “Commercial”  
Brad Davis, Planning Manager, is the project manager and available for questions at 496-8654.

#### General Information:

<b>Applicant:</b>	Warren Peiffer	<b>Site Location:</b>	Along new Louisville Road
<b>Property Owners:</b>	Diamond W, LLC	<b>Township:</b>	Louisville
<b>Public Hearing Date:</b>	October 12, 2020	<b>Action Deadline:</b>	December 20, 2020

#### Report Attachments:

1. Site location map
2. 2040 Planned Land Use Map amendment along new Louisville Frontage Road
3. Adjacent Jurisdiction comment letters

#### Background

Warren Peiffer, representing Diamond W, LLC, submitted a plan amendment to re-guide approximately 5 acres (PID# 079220311) along the new Louisville frontage road from “Urban Expansion Reserve” to “Commercial” (see attached map). Prior to the construction of Louisville Road, this parcel was landlocked. The new Louisville Road provides this parcel access on its northwest corner. All other parcels that front onto this segment of Louisville Road are guided and zoned commercial. The applicant is looking to market the parcel in a manner that is consistent with other adjacent parcels that access Louisville Road.

This is the first planned land use amendment since the County’s *2040 Comprehensive Plan* was adopted in 2019.

If this CPA is approved, the applicant intends to rezone and plat the 5 acres to the C-1 commercial zoning district. As part of any rezone or plat, the Planning Commission will likely have an opportunity to review a specific land use or site plan in more detail. At this time, there is no specific commercial land use being considered or proposed.



### **Process and Next Steps**

Prior to taking action on any plan amendment, the Metropolitan Council requires the County to notify adjacent and affected jurisdictions and allow them up to 60 days to review the request for potential impacts to their corresponding long-range plans. For this request, notification was distributed to the following affected jurisdictions.

<b>Notified Jurisdictions for this CPA Request</b>		
Louisville Township	City of Shakopee	Jackson Township
Scott WMO	Shakopee School District	

All five jurisdiction indicated “no issue” with this CPA request. If supported by the Planning Commission and County Board, the amendment is sent to the Metropolitan Council for administrative review. Finally, if approved by the Metropolitan Council, the amendment is brought back to the County Board for final action and the amendment takes full effect.

### **Staff Recommendation**

Staff is supportive of this planned land use amendment as it is consistent with adjacent properties fronting the new Louisville frontage road.

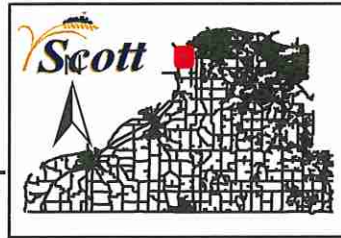
#### **Planning Advisory Commission Alternatives:**

1. Approve the request as recommended by Staff.
2. Approve the request as recommended by Staff with specific conditions.
3. Table the request for a specific reason.
4. Deny the request for a specific reason.

#### **Suggested Motion for Planning Advisory Commission:**

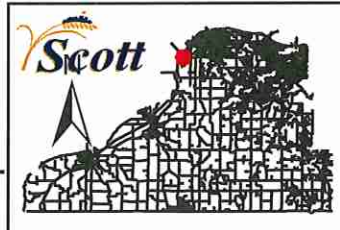
Mr. Chairman, I support this land use plan amendment and further recommend advancing the request to the County Board for preliminary action.

**LOUISVILLE TOWNSHIP  
SECTION 22  
WARREN PFIEFFER  
COMPREHENSIVE PLAN AMENDMENT**





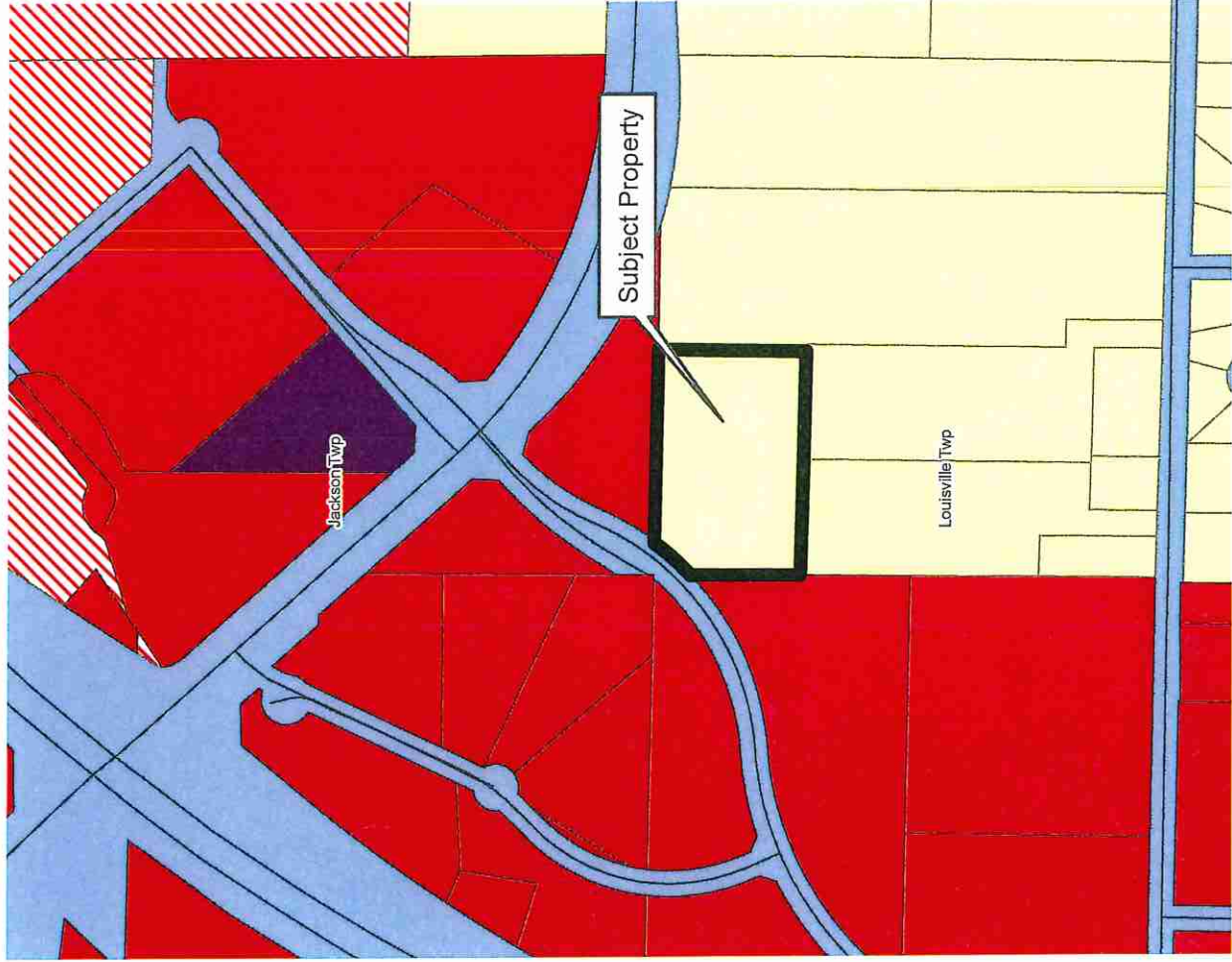
**LOUISVILLE TOWNSHIP  
SECTION 22  
WARREN PFlEFFER  
COMPREHENSIVE PLAN AMENDMENT**



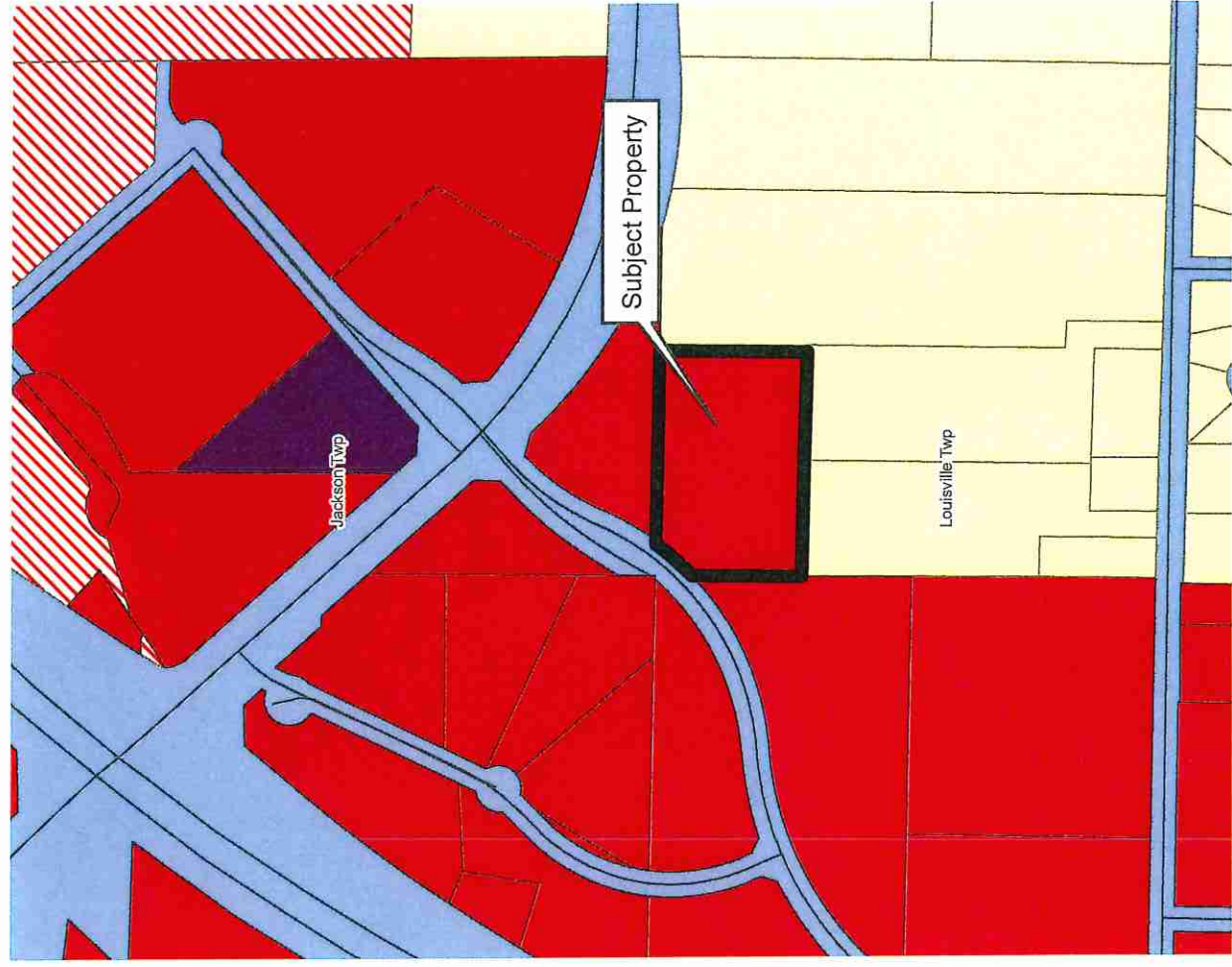




## Existing Land Use



## Proposed Land Use



Memo

Re: Agency Response to Scott County Comprehensive Plan Amendment

Please be advised that (Agency/Jurisdiction) Louisville Township has received notice from Scott County of a proposed Comprehensive Plan Amendment to re-guide approximately 5 acres of property from Urban Expansion Reserve to Commercial.

Check applicable line:

X

The Comprehensive Plan Amendments are not anticipated to impact this jurisdiction or agency. No comments on this application will be forthcoming.

\_\_\_\_\_

This agency will submit written comments on the application.

\_\_\_\_\_

Other: (attached separate sheet if necessary) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

John Weckman  
Name

Sept 3, 2020  
Date

Chairman  
Title

Memo

Re: Agency Response to Scott County Comprehensive Plan Amendment

Please be advised that (Agency/Jurisdiction) Jackson Township has received notice from Scott County of a proposed Comprehensive Plan Amendment to re-guide approximately 5 acres of property from Urban Expansion Reserve to Commercial.

Check applicable line:

X

The Comprehensive Plan Amendments are not anticipated to impact this jurisdiction or agency. No comments on this application will be forthcoming.

\_\_\_\_\_

This agency will submit written comments on the application.

\_\_\_\_\_

Other: (attached separate sheet if necessary) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Brooklynn Mendenhall  
Name

Sept 1, 2020  
Date

Clerk  
Title

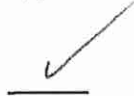


Memo

Re: Agency Response to Scott County Comprehensive Plan Amendment

Please be advised that (Agency/Jurisdiction) Shakopee Public Schools has received notice from Scott County of a proposed Comprehensive Plan Amendment to re-guide approximately 5 acres of property from Urban Expansion Reserve to Commercial.

Check applicable line:



The Comprehensive Plan Amendments are not anticipated to impact this jurisdiction or agency. No comments on this application will be forthcoming.



This agency will submit written comments on the application.



Other: (attached separate sheet if necessary) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mike Redmond  
Name Mike Redmond  
Superintendent  
Title

8/18/20  
Date

Memo

Re: Agency Response to Scott County Comprehensive Plan Amendment

Please be advised that (Agency/Jurisdiction) The City of Shakopee has received notice from Scott County of a proposed Comprehensive Plan Amendment to re-guide approximately 5 acres of property from Urban Expansion Reserve to Commercial.

Check applicable line:



The Comprehensive Plan Amendments are not anticipated to impact this jurisdiction or agency. No comments on this application will be forthcoming.

\_\_\_\_\_

This agency will submit written comments on the application.

\_\_\_\_\_

Other: (attached separate sheet if necessary) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reginae Tinkley  
Name

8/17/2020  
Date

Senior Planner  
Title



## STAFF REPORT PREPARED FOR TOWNSHIPS & COUNTY PLANNING ADVISORY COMMISSION

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952)496-8475 • Fax (952)496-8496 • Web [www.co.scott.mn.us](http://www.co.scott.mn.us)

### Conditional Use Permit for Douglas Schieffer to Operate a Private Heliport

#### Request:

Conditional Use Permit for Douglas Schieffer to operate a Private Heliport on a 40-acre parcel in the RR-1 & RR-1C zoning district.

Marty Schmitz, Zoning Administrator, is the project manager and available for questions at 952-496-8349.

#### General Information:

<b>Applicant:</b>	Douglas Schieffer	<b>Site Location:</b>	26456 Wyldewood Dr. Webster MN 55088
<b>Property Owners:</b>	Same as above	<b>Township:</b>	Cedar Lake, Section 26
<b>Meeting Date:</b>	October 12, 2020	<b>Action Deadline:</b>	November 30, 2020 (120 Day)

#### Zoning/Comprehensive Plan Information:

<b>Zoning Districts:</b>	RR-1, Rural Residential Reserve & RR-1C Rural Residential Reserve Cluster	<b>Comprehensive Land Use Plan:</b>	Rural Residential Reserve Area
<b>Overlay Zoning District:</b>	none	<b>School District:</b>	New Prague
<b>Watershed District:</b>	Scott WMO	<b>Fire District:</b>	Elko New Market
<b>Ordinance Sections:</b>	Chapters 2 & 40	<b>Ambulance District:</b>	North Memorial

#### Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Survey/Site Plan
4. Proposed approach/departure paths
5. Topographical Evaluation Report
6. Heliport Emergency Action Plan
7. Heliport Lighting Plan
8. FAA General Operating Rules
9. Additional Neighboring property owner comments letters



<b>Request-</b>	Conditional Use Permit for Douglas Schieffer to operate a private heliport on a 40-acre parcel in the RR-1 & RR-1C zoning district.
<b>Comprehensive Plan-</b>	The proposal is in conformance with the goals and policies of the Rural Residential Reserve Area identified in the <i>2040 Scott County Comprehensive Plan</i> .
<b>Adjacent Land Use/Zoning-</b>	<p><u>North</u> – Residential cluster development of Wyldewood Ponds 3<sup>rd</sup> consisting 5 lots owned by the applicant, zoned RR-1C, and three 10-acre residential lots zoned RR-1</p> <p><u>South</u> – 10 acre and larger residential &amp; agricultural parcels, zoned RR-1</p> <p><u>East</u> – Residential cluster development of Wyldewood Ponds consisting of lots 4 - 10 acres in size, zoned RR-1C.</p> <p><u>West</u> – 10 acre and larger parcels, zoned RR-1, and Outlot A of Hunters Crest 2<sup>nd</sup> consisting of 45 acres zoned RR-1C.</p>
<b>Existing Conditions-</b>	The parcel includes a residential home and accessory buildings. The north 26 acres are in the Wyldewood Pond development and zoned RR-1C. The south 14 acres are not in the Wyldewood Pond development and zoned RR-1.
<b>Ordinance Requirements-</b>	<u>Conditional Use</u> – Private Airport and Heliport.
<b>Existing Roads-</b>	The subject site accesses Wyldewood Drive.
<b>Proposed Roads-</b>	There are no road improvements proposed for this project.
<b>Public Notice-</b>	For the September 14 <sup>th</sup> public hearing notices were sent to property owners within a quarter mile of the site as measured from the boundaries in red shown on the map below. In addition, notices were sent to property owners within the proposed take off/landing paths

## Site Photos-



## Background

Douglas Schieffer, the applicant, is requesting a Conditional Use Permit (CUP) to operate a private heliport. The private heliport would be located on a 40-acre parcel located in Section 26 of Cedar Lake Township. The 40-acre parcel will be created through an administrative subdivision which the applicant has applied for; combining the northern 26 acres of the site - which is part of the Wyldeewood Pond development and zoned RR-1C - with the southerly 14 acres located outside of the Wyldeewood Pond development and zoned RR-1. The proposed heliport will be located on the southerly 14 acres zoned RR-1, a zoning district which permits heliports as a CUP. The applicant has a purchase agreement to add the southerly 14 acres of land to his parcel from the Lovelette parcel to the south (see site plan).

The heliport would be for private use of the applicant's helicopter. The applicant owns a Bell 206 L4 helicopter. The applicant's submittal information includes information on safety, noise, impacts on animals and wildlife, and jet fuel. The helipad is proposed to be located on a high point on the north central portion of the 14 acres being acquired from the Lovelettes. The helipad consists of a 37' diameter concrete pad to land and take off from. In addition to the pad the applicant is proposing to construct a 50' X 80' (4,000 square foot) building on the east side of the helipad for the storage of the helicopter and a concrete path between the pad and building to transport the helicopter on. The helipad, path and building are located entirely on the RR-1 zoned portion of the property. Approach and departure paths to the helipad are proposed from the north, south & west (see approach/departure paths attached).

## Additional Information Requested After Public Hearing

At the September 14 public hearing on this request, there were many comments from the public in support and in opposition to the CUP (see draft official minutes for the 9/14/20 meeting for a full record of comments). The Planning Commission closed the public hearing and continued the item for the applicant to provide additional information related to noise, topography, an emergency action plan, security plan and FAA requirements related to weather, and need for lighting. The Planning Commission also directed staff to revise the draft conditions of approval to address the comments heard at the public hearing. Here is a summary of new information:



- The applicant has provided FAA requirements for weather conditions that he must follow to fly the helicopter. Draft condition #12 below states that the applicant will follow these weather condition minimums and all other FAA requirements for helicopter operations.
- The applicant has provided a security plan for the heliport. The security plan states that there will be a 4,000 square foot building to house the helicopter with lockable doors. This building will have monitored security and alarm system that may include cameras.
- A lighting plan was provided and attached for review. The plan states for pre-dawn and post-sunset operations the perimeter of the heliport needs to be lighted with semi-flush or elevated Omnidirectional lights. The applicant is proposing to install semi flush lighting into the heliport pad. The heliport lighting will be incorporated into a cellular based remote-control system so the heliport lighting will only be turned on when it is necessary for take-off or landing.
- An Emergency Action Plan was also submitted. The Plan is attached to this report for your review. Staff has forwarded the Plan to the New Market Fire Chief and Scott County Sheriff's Office for review.
- The applicant provided a Topographical Evaluation Report, attached for review. The report states that the heliport is at an elevation 1,009 feet Above Mean Sea Level (AMST). The maximum terrain elevation identified within a 4,000-foot radius of the heliport was found to be 1,059 feet AMST. This identified location is approximately 3,800 feet North/Northeast of the proposed heliport. This indicates that the maximum elevation difference between the proposed heliport and that of any surrounding terrain within 4,000-foot radius is approximately 50 feet. Of the proposed FAA 8:1 approach/departure surfaces evaluated, all three, north, south and west were found to be well above the surrounding terrain and without penetrations from the terrain, buildings, powerlines, or tower antenna. All three proposed approach/departure paths were found to meet or exceed State and FAA criteria.

At the time this staff report was prepared the applicant was in the process of completing a noise study. This study will be complete prior to the Planning Commission meeting on October 12<sup>th</sup>. It is anticipated that the applicant noise consultant will be available virtually to present study findings and answer questions. When the noise study is submitted, staff will provide it to the Planning Commission prior to the meeting. All this additional information will be presented to the Planning Commission at the October 12 meeting.

### **Modified Conditions**

Based on comments provided before and at the public hearing, information provided in the public record, and direction from the Planning Commission, staff is recommending modified draft conditions of approval for this permit. Any new language is indicated in red, underlined text. Any wording recommended for deletion is shown in ~~strikethrough text~~. Staff plans to spend time at the October 12 meeting discussing each of these draft conditions and reason for modification.

### **Draft Conditions of Approval:**

1. The applicant is to file with the Scott County Planning Office in January of each year a letter stating that they are in compliance with the conditions of the Conditional Use Permit as issued.
2. This Conditional Use Permit may be annually reviewed by the Planning Commission. The CUP may be annually reviewed by the Township at a time and in a manner as prescribed by the Cedar Lake Township Board.



3. The applicant shall pay an annual inspection fee for the CUP, if and when the County adopts an inspection fee ordinance.
4. This Conditional Use Permit is issued for the specific use of the subject property for a private heliport and helicopter in compliance with the plans, narratives and information submitted by the applicant. Any changes to the CUP shall be reviewed by the County and any expansion of the use shall require the Conditional Use Permit to be amended.
5. The CUP is issued on the 40-acre parcel as legally described on the survey dated August 18, 2020. The applicant's homestead and helipad shall remain on a single parcel.
6. If the property is sold, the new owner shall contact the Scott County Planning Department to review the conditions of the CUP to officially transfer permit.
7. The heliport shall be limited for private use of one (1) Bell 206 L4, Tail # N7575S helicopter owned by the applicant. ~~by the applicant/owner only.~~ No other helicopters shall use the helipad or be stored on the applicant's property. If the applicant wishes to change the type of helicopter used for the private use of the helipad, the applicant shall contact the Scott County Planning Department to review the conditions of the CUP.
8. Use of the heliport shall be limited to two take-offs and two landings per day and 50 84 take-offs and 50 84-landings per calendar year. On four days per calendar year the number of take offs and lands may exceed two.
9. The heliport and helicopter operations (defined as when the helicopter engine is running) can only be used during daylight hours. Daylight hours for this permit shall consist of ½ hour before sunrise and ~~one~~ ½ hour after sunset. In no case shall the heliport and helicopter operations be used prior to 7:00 am throughout the entire calendar year.
10. The heliport use shall comply with all MPCA noise standards. If the County receives multiple ~~valid~~ complaints on noise within a calendar year the applicant at his expense shall cover the costs for the County to contract an independent noise consultant to measure noise levels in the impacted area and provide a report ~~to the County showing MPCA standards are being met.~~ If exceedances are occurring the noise consultant shall provide mitigations measures to resolve the exceedance.
11. Prior to operation of the heliport the applicant shall receive MnDOT approval and a license to operate. A copy of the license shall be provided to the County.
12. The applicant shall follow all FAA requirements for a private heliport and helicopter operations.
13. To limit the impact on residences, livestock and powerlines, the applicant shall only use the FAA recommended approach/departure paths from the south and west, unless weather conditions warrant use of the north flight path. ~~to limit overflight of neighboring homes to the extent feasible.~~
14. The applicant shall maintain the Bell 206 L4, Tail # N7575S following all manufacturers requirements and specifications. All major repair and maintenance of the helicopter will be performed at a separate, licensed maintenance facility. Maintenance records shall be provided the County upon request.

15. To ensure compliance with the Eagle Act, the applicant shall not operate the helicopter within 1,000 feet of the existing known eagle's nest during the breeding season. ~~receive approval by the DNR to use the approach/departure path to the south. A copy of the DNR approval shall be submitted to the County.~~
16. The applicant shall schedule inspections and if necessary, obtain any required Hazardous Waste License as required from Scott County Environmental Services Department.
17. The applicant shall not hover helicopter ~~at low altitude~~ over private property except his own property.
18. If it is demonstrated that livestock are disrupted by the takeoff and landing of the applicant's helicopter, the applicant shall meet with livestock owner and mitigate the disruptions. The applicant shall be responsible for injuries to livestock or economic damage caused by livestock due to disruptions created by the applicant's helicopter.
19. The applicant shall solely use the helipad located on the site plan and survey dated August 18, 2020.

**Staff Recommendation:**

Subject to the Conditions of Approval, the Conditional Use Permit conforms to the Zoning Ordinance; therefore, staff recommends approval of the Conditional Use Permit based on the modified draft conditions of approval listed in this staff report.

**Criteria for Approval:**

1. *The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.*

The proposed use will not create an excessive burden on existing or proposed public facilities serving the surrounding area.

2. *The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.*

The proposed use is separated by a sufficient distance from adjacent agricultural and residential land uses. The draft conditions including language limiting takeoffs and landings, meeting MPCA noise standards, having FAA approved approach/departure paths, limiting time when the helipad can be used and requiring the helipad to be licensed by MnDot as a private helipad.

3. *Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*

The heliport structure will require a building permit and compliance with all applicable building and/or fire codes. The structure will be similar to other personal storage and agricultural buildings in the area.

4. *The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.*



The use is consistent with the intent and standards identified in the RR-1 Zoning District.

5. *The use is not in conflict with the Comprehensive Plan of Scott County.*

The 2040 Plan's discussion on heliports in the Transportation chapter is centered on helipads for emergency response. The text suggests that if there are proposals for heliports for emergency response and the County determines these as appropriate measures, the County should establish regulations and guidelines following FAA requirements.

6. *Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.*

Additional traffic will not be generated from the subject property due to the proposed use as a private heliport.

7. *Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.*

If additional water supply and sewage treatment is provided to the heliport structure these systems will be reviewed and approved by County Staff. Grading, erosion control and stormwater management will be reviewed at the time of construction of the helipad and associated structure.

8. *All buildings/structures must meet the intent of the State Building Code and/or Fire Codes.*

The heliport structure will require a building permit and compliance with all applicable building and/or fire codes.

**Planning Advisory Commission/Township Alternatives:**

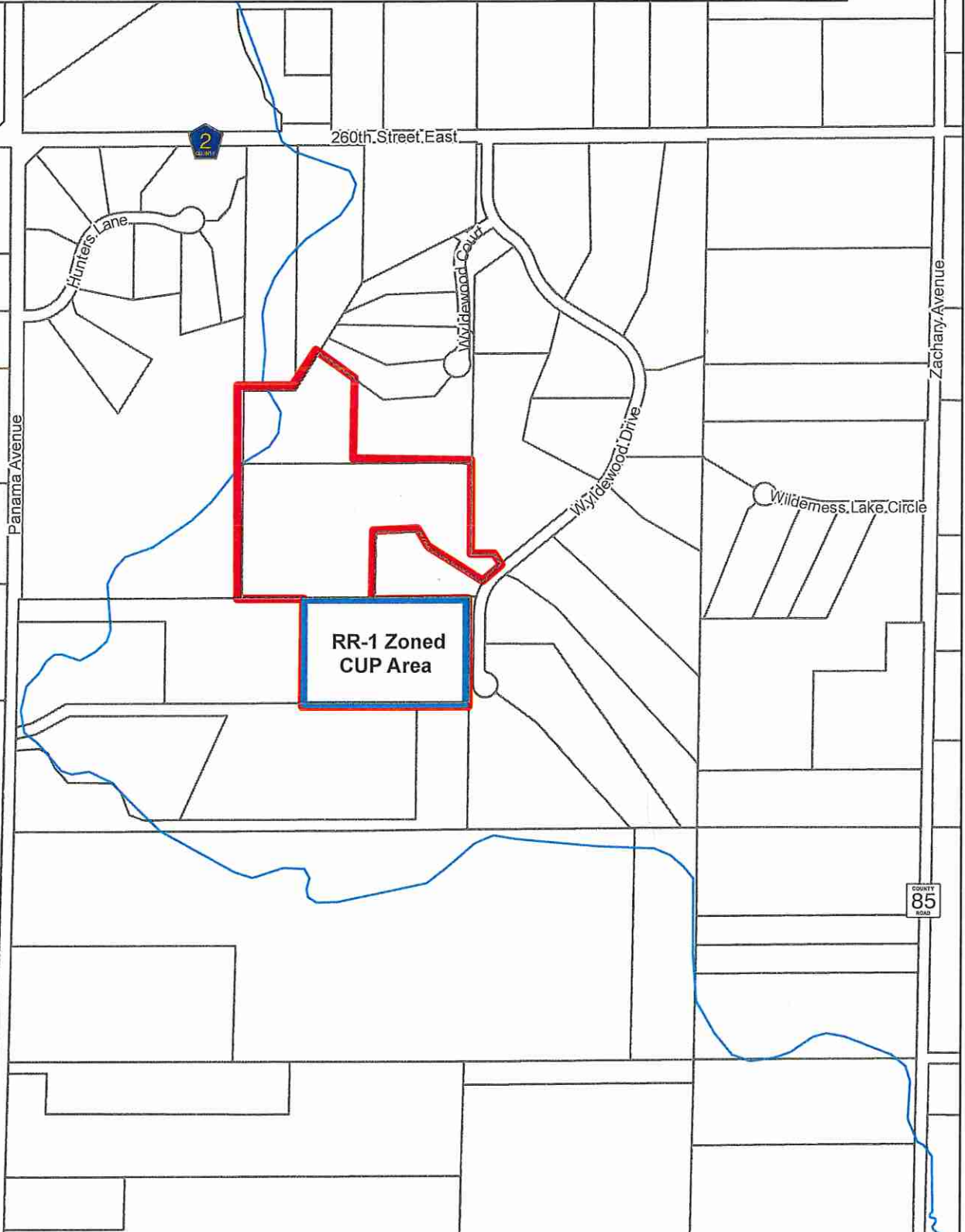
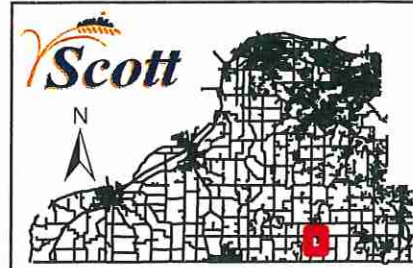
1. Approve the request as recommended by Planning staff with the specified conditions.
2. Approve the request as recommended by Planning staff with amendments to the conditions.
3. Table the request for a specific reason.
4. Deny the request for a specific reason.

**Suggested Motion for Planning Advisory Commission or Township Board:**

Based on the criteria and conditions for approval listed in the staff report, I recommend approval of the Conditional Use Permit for Douglas Schieffer to operate a private heliport on his 40-acre property located at 26456 Wyldewood Drive in section 26 of Cedar Lake township.

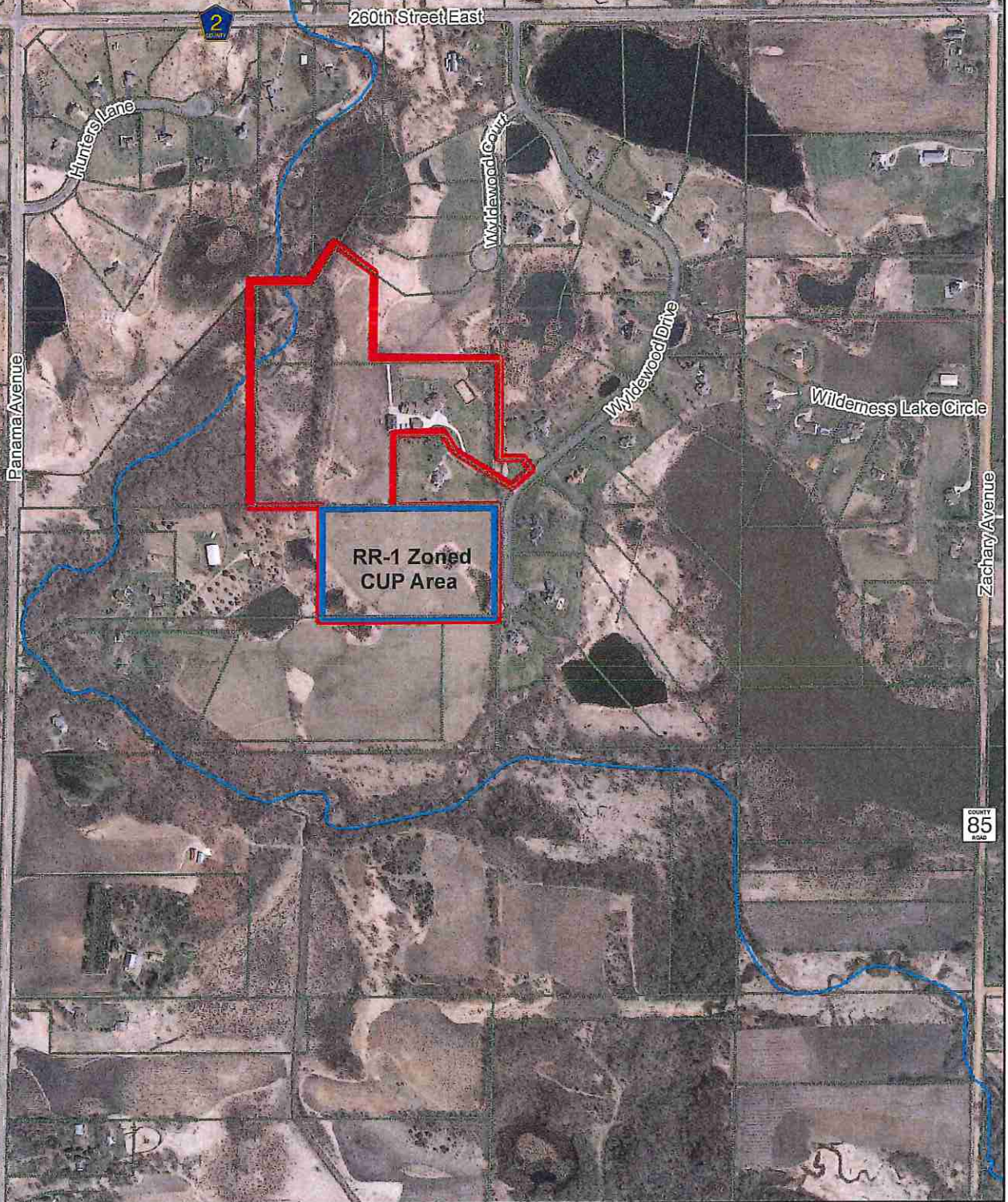
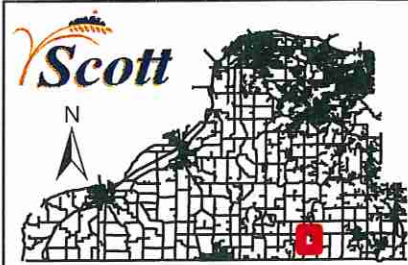


**CEDAR LAKE TOWNSHIP  
SECTION 26  
DOUG SCHIEFFER  
REQUEST FOR  
CONDITIONAL USE PERMIT**





**CEDAR LAKE TOWNSHIP  
SECTION 26  
DOUG SCHIEFFER  
REQUEST FOR  
CONDITIONAL USE PERMIT**





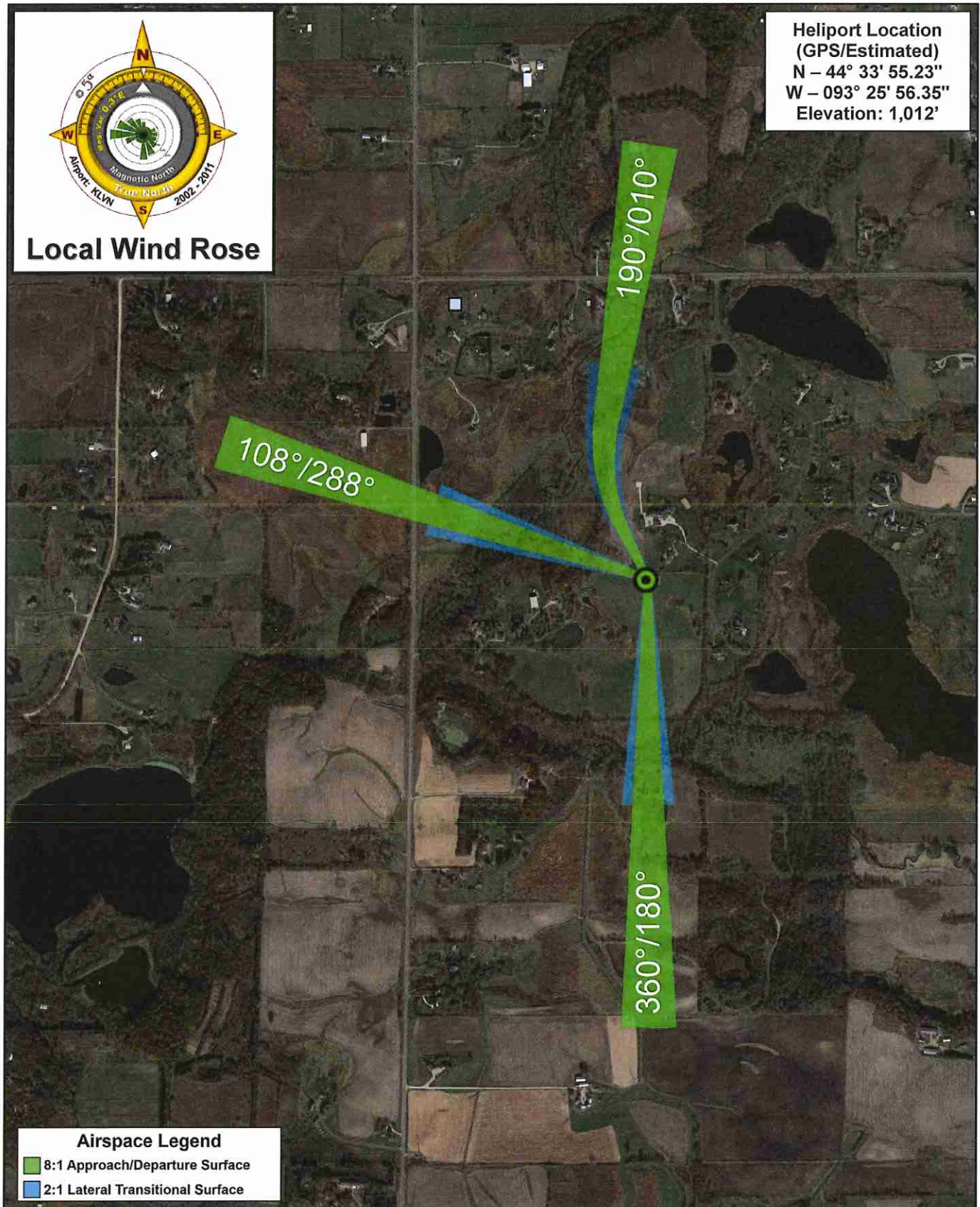
# DKPA Heliport, Webster, MN

## Proposed Approach/Departure Paths



Local Wind Rose

Heliport Location  
(GPS/Estimated)  
N – 44° 33' 55.23"  
W – 093° 25' 56.35"  
Elevation: 1,012'



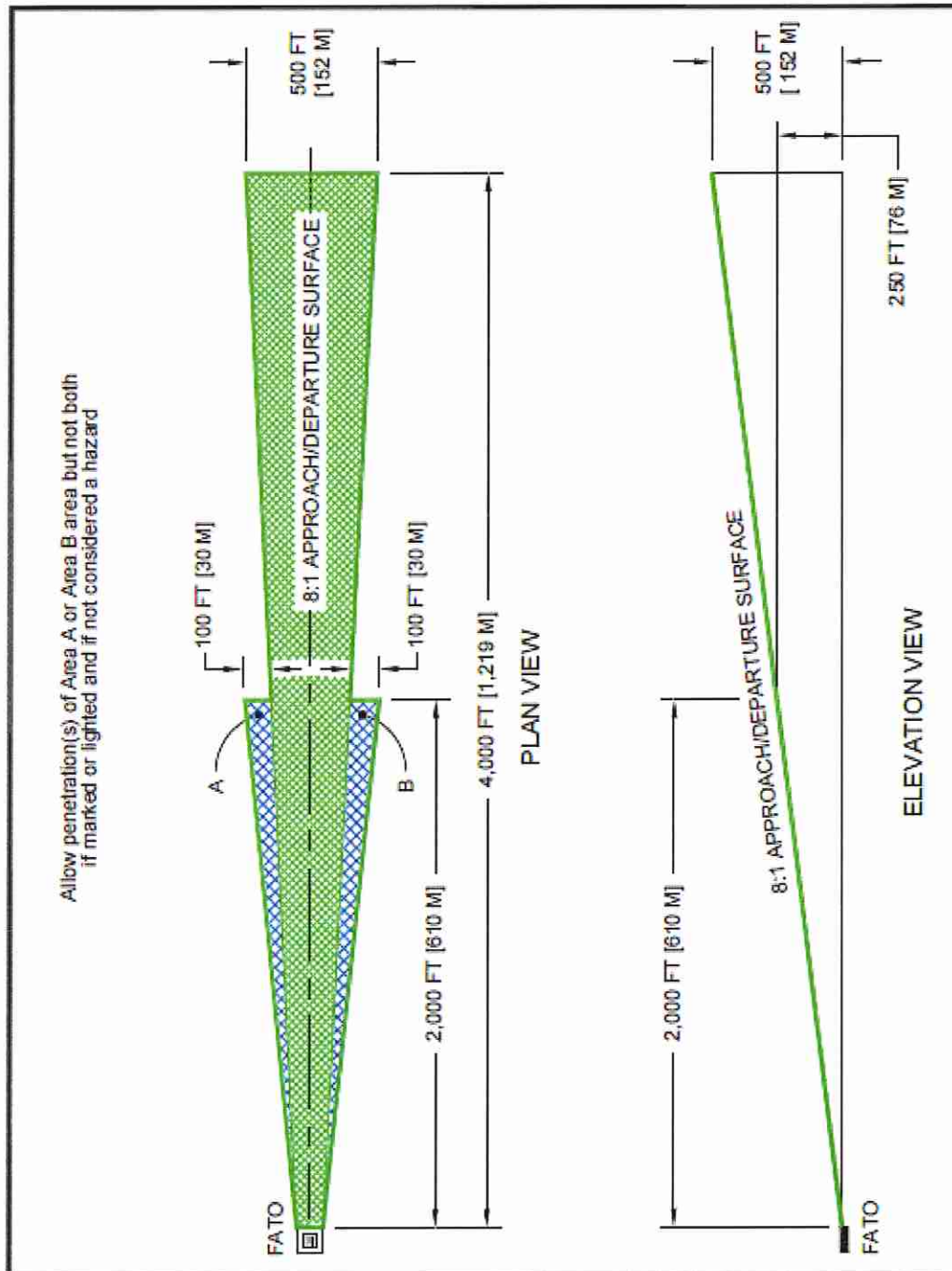
### Airspace Legend

- 8:1 Approach/Departure Surface
- 2:1 Lateral Transitional Surface



### Approach/Departure Paths

This heliport will employ the alternate approach/departure airspace for private prior permission as provided for in Chapter 2 of the FAA Heliport Design Advisory Circular AC 150/5390-2C.



**Figure 2-9. VFR PPR Heliport Lateral Extension  
of the 8:1 Approach / Departure Surface: General Aviation**

## DKPA Heliport, Webster, MN

### Curved Approach/Departure Path

One approach/departure path will be curved using a 36° offset to avoid residential areas to the extent feasible as provided for in Chapter 2 of the FAA Heliport Design Advisory Circular AC 150/5390-2C.

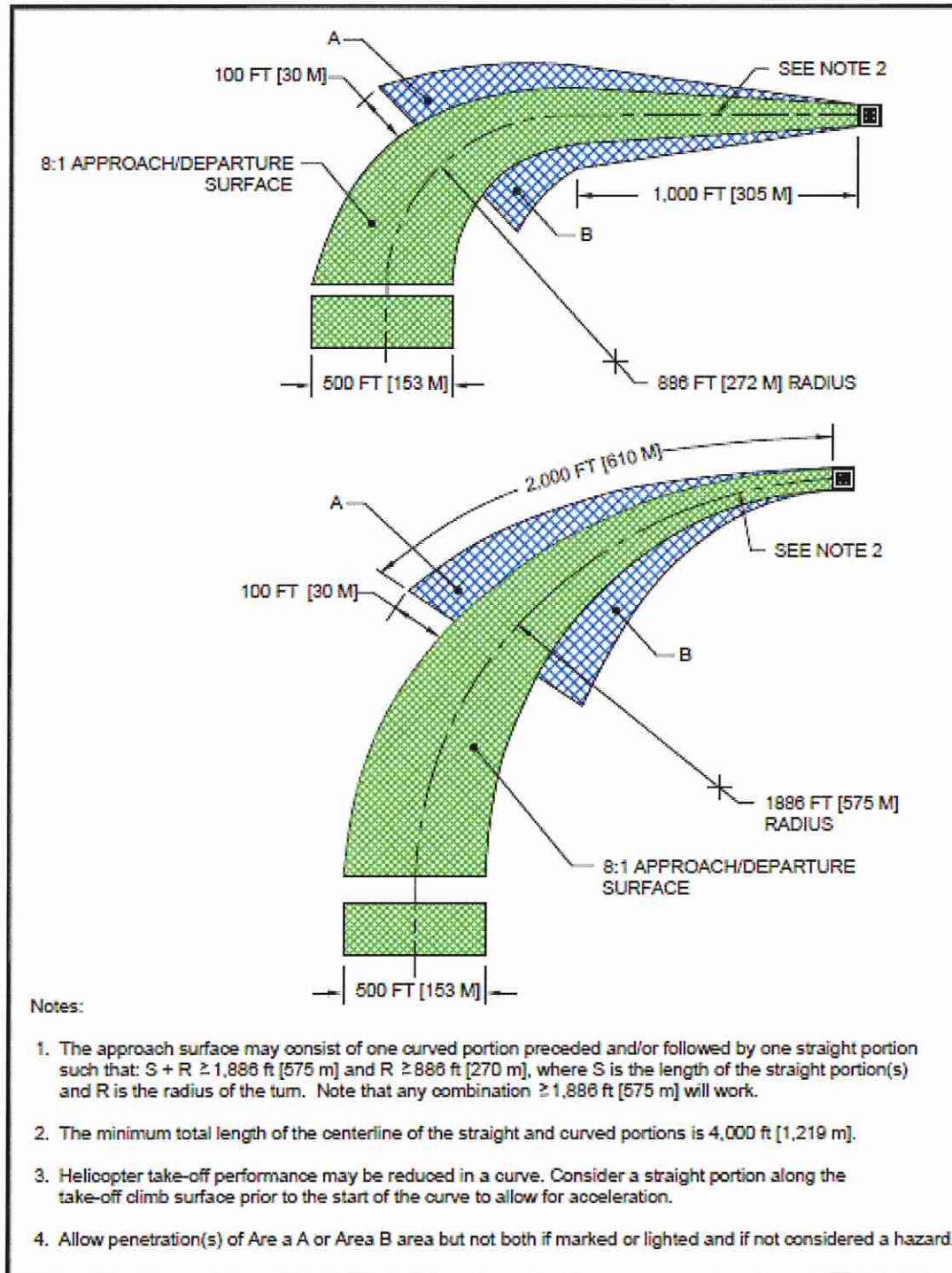


Figure 2-10. VFR PPR Heliport Lateral Extension of the Curved 8:1 Approach / Departure Surface: General Aviation

# Topographical Evaluation Report

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## DKPA Landing Heliport

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26456 Wyldewood Drive  
Webster, MN 55088

September 30, 2020



*Developed & Distributed By*  
**Five-Alpha LLC**



*An Aeronautical Consultancy Firm*  
12308 Redding Drive, Fort Wayne, IN 46814  
Phone: (260) 494-0891  
Email: [info@five-alpha.com](mailto:info@five-alpha.com)





## **Topographical Evaluation Report**

The following report was developed at the request of the Scott County, Minnesota Planning Advisory Commission for the purposes of evaluating the topographical data in the vicinity of the DKPA Landing Heliport located on the property identified as 26456 Wyldewood Drive, Webster, MN 55088 at an estimated latitude and longitude coordinates of 44°33'55.12"N & 93°25'57.33"W for the heliport.

### **Executive Summary**

After a thorough inventory of all available data concerning the topographical information at and surrounding the proposed site the following was determined.

#### **Maximum Elevation Differential**

Based on an estimated finished elevation of the heliport being approximately 1,009 feet Above Mean Sea Level (AMSL), the maximum terrain elevation identified within a 4,000' radius of the heliport was found to be 1,059 feet AMSL. This identified location is approximately 3,800 feet North/Northeast of the proposed heliport on a heading of 012° with a latitude and longitude of approximately 44°34'31.70"N and 93°25'46.05"W. This then indicates that the maximum elevation difference between the proposed heliport site and that of any of the surrounding terrain within the identified 4,000-foot radius is approximately 50 feet.

#### **FAA Approach/Departure 'Surfaces'**

Of the proposed FAA 8:1 approach/departure surfaces evaluated, all three, i.e. north, west, and south, were found to be well above any of the surrounding terrain and without penetrations from the terrain, buildings, powerlines, or antenna. The designated surfaces for all three proposed approach/departure paths were found to meet or exceed all state and FAA criteria.

#### **Approach/Departure 'Flight Paths'**

Of the proposed approach/departure flight paths evaluated, using a defined normal angle of 12 degrees, all three were found to be in excess of 870 feet above ground level at the approach initiation point.



## Topographical Data Review Process

The following documentation and data was developed for the purposes of creating an accurate accounting of the topographical relief, corresponding surface elevations, and anticipated flight altitudes in relationship to the land which lies under each of the three proposed approach/departure paths associated with the DKPA Landing Heliport.

The illustrations contained herein were created using the following specialized GIS, CAD and Mapping software programs:

- DeLorme XMap-8 Professional Edition (Version: 8.0.2)
- Sketchup Pro 2020 (Version: 20.0.363 64-bit)
- Google Earth Pro (Version: 7.3.3.7786 32-bit)

Each approach departure path is represented using four different profile views and illustration as follows:

- I. The first illustration is a 1:1 representation of the topographical relief profile based on the direct relationship of the land located directly below each of the proposed flight paths in relationship to the elevation of the proposed heliport location.
- II. The second illustration illustrates both the addition of the 8:1 approach/departure surface, which is accomplished by adding 500 feet to the elevation of the heliport, to illustrate the relationship in altitude of the FAA imaginary surface in comparison to the underlying land.
- III. The third illustration includes the addition of a 12°, normal approach angle, based on an intercept altitude located 4,032 feet (4,000 app/dep surface plus ½ the diameter of the heliport FATO) from the center at the heliport along which works out to be 857 feet above the elevation of the FATO based on accepted mathematical computations for a right triangle to illustrate the relationship in altitude of a normal approach angel and the underlying surface of the land.
- IV. The forth illustration represents the approach/departure path using a horizontal and vertical scale developed using a CAD program which was then geolocated into google earth to fully demonstrates the expected flight altitudes of the helicopter during a normal approach using a 12° approach/departure flight path intercept point at a 4,000 foot horizontal distance from the FATO.

The final illustration on page 17 is a representation of the residence located nearest all three approach/departure paths and the minimum slant range distance expected between the helicopter on a 12° approach path. Slant range considers the elevation of the residence, the horizontal distance between the residence and the nearest flight path, and the estimated altitude of the helicopter at its nearest point to the residence along a 12° flight path.





## Federal Guidelines on Minimum Safe Altitudes

Federal Aviation Regulations govern the altitude at which an aircraft can operate above the surface of the earth in the U.S. This is outlined in the Code of Federal Regulations (CFR) Title 14 as follows:

### Reference:

- Code of Federal Regulations (CFR) / Title 14: Aeronautics and Space
  - Part 91 – General Operating and Flight Rules

#### **§91.119 Minimum safe altitudes: General.**

*Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:*

*(a) Anywhere. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.*

*(b) Over congested areas. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.*

*(c) Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.*

*(d) Helicopters, powered parachutes, and weight-shift-control aircraft. If the operation is conducted without hazard to persons or property on the surface—*

*(1) A helicopter may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section, provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA; and*

*(2) A powered parachute or weight-shift-control aircraft may be operated at less than the minimums prescribed in paragraph (c) of this section.*

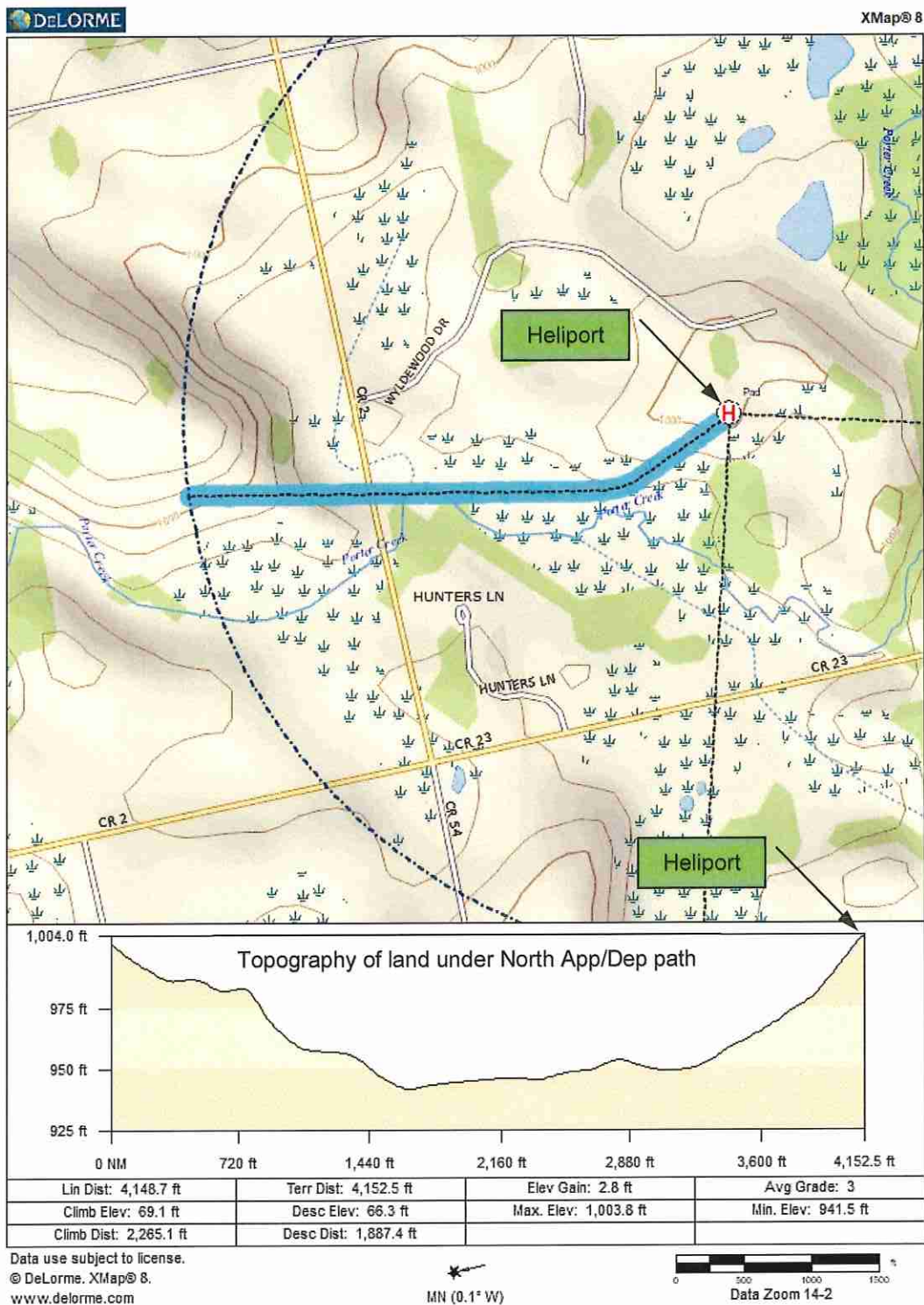
Based on the above information, one can discern that aircraft operating within the U.S. National Airspace System, which takes place outside any special and/or controlled airspace, may conduct legal flight operations at or above 1,000 feet over congested areas, i.e. cities and towns, and at or above 500 feet over other than congested areas, i.e. rural environments, and that helicopters are allowed to fly lower than 500 feet as long as operations can be conducted without undue hazard to persons or property on the surface as defined by the FAA. As indicated in the regulation, the aforementioned criterion does not apply to any aircraft that is actively engaged in conducting takeoff or landing operations.







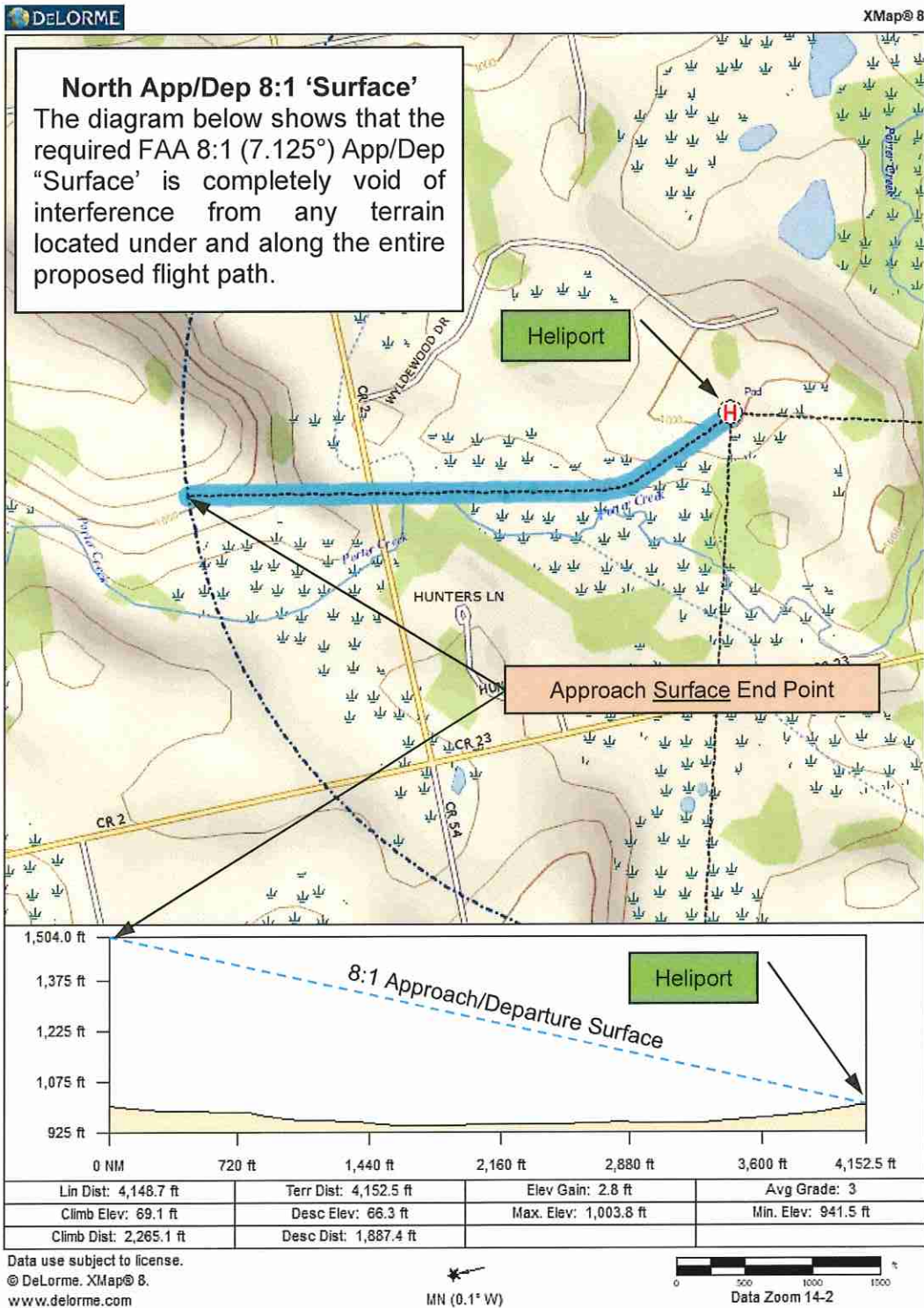
## I. North Approach/Departure Path Topographical Profile (Ground Level)







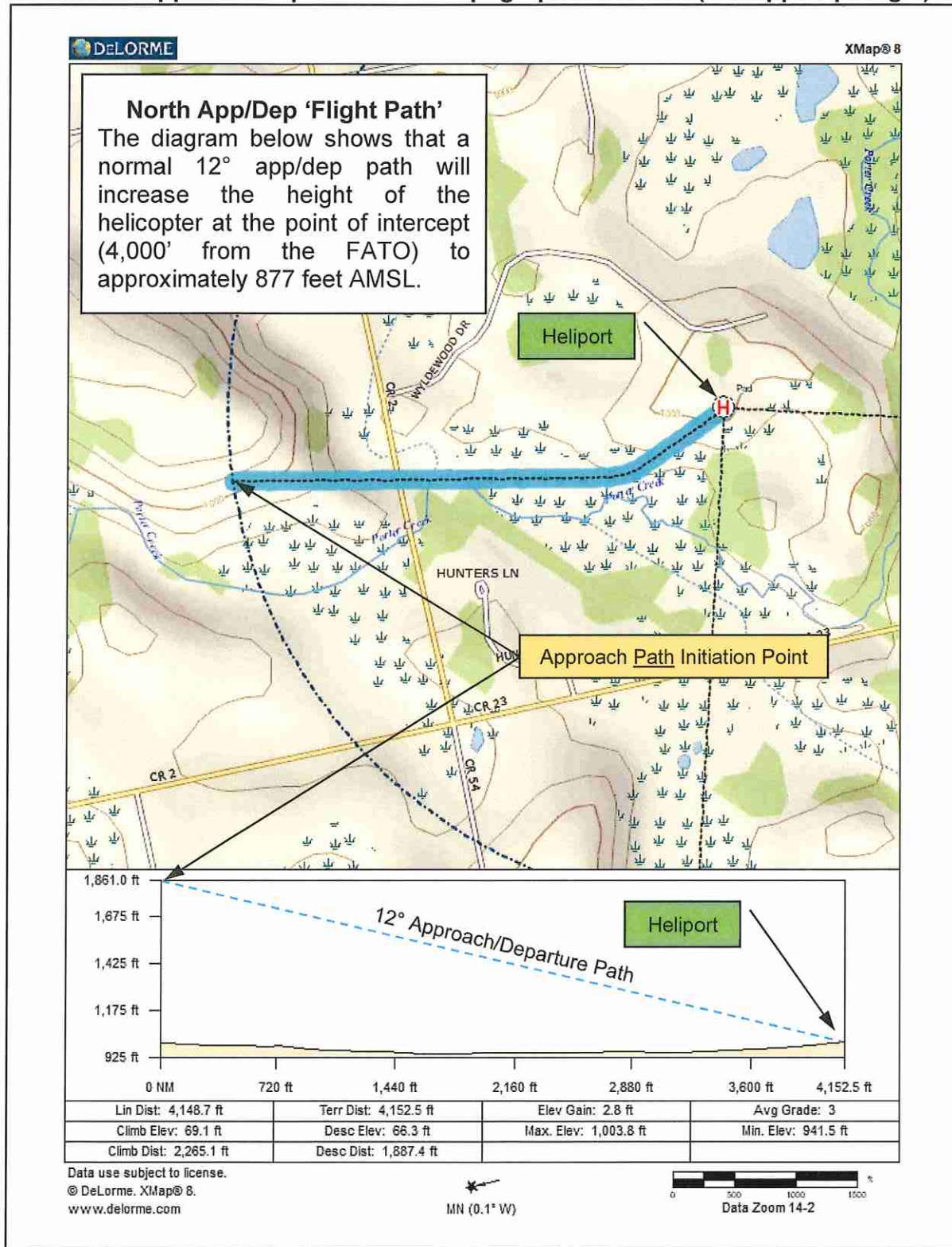
## II. North Approach/Departure Path Topographical Profile (8:1 Surface)







### III. North Approach/Departure Path Topographical Profile (12° App/Dep Angle)





#### IV. North Approach/Departure Path Airspace/Altitude Scale.

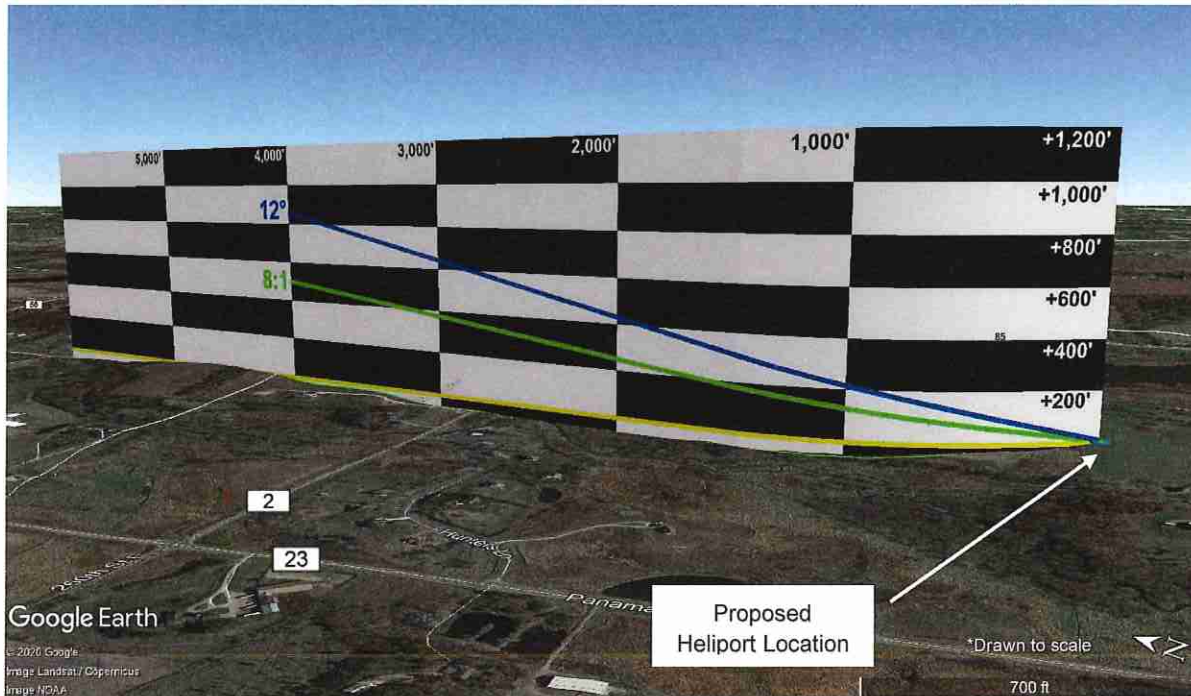


Illustration of the surface topography in relationship to the corresponding flight altitudes along and under the proposed North App/Dep flight path based on a finished heliport elevation of 1,009 feet (estimated) with an initiation point located 4,000-feet horizontally from the heliport FATO.

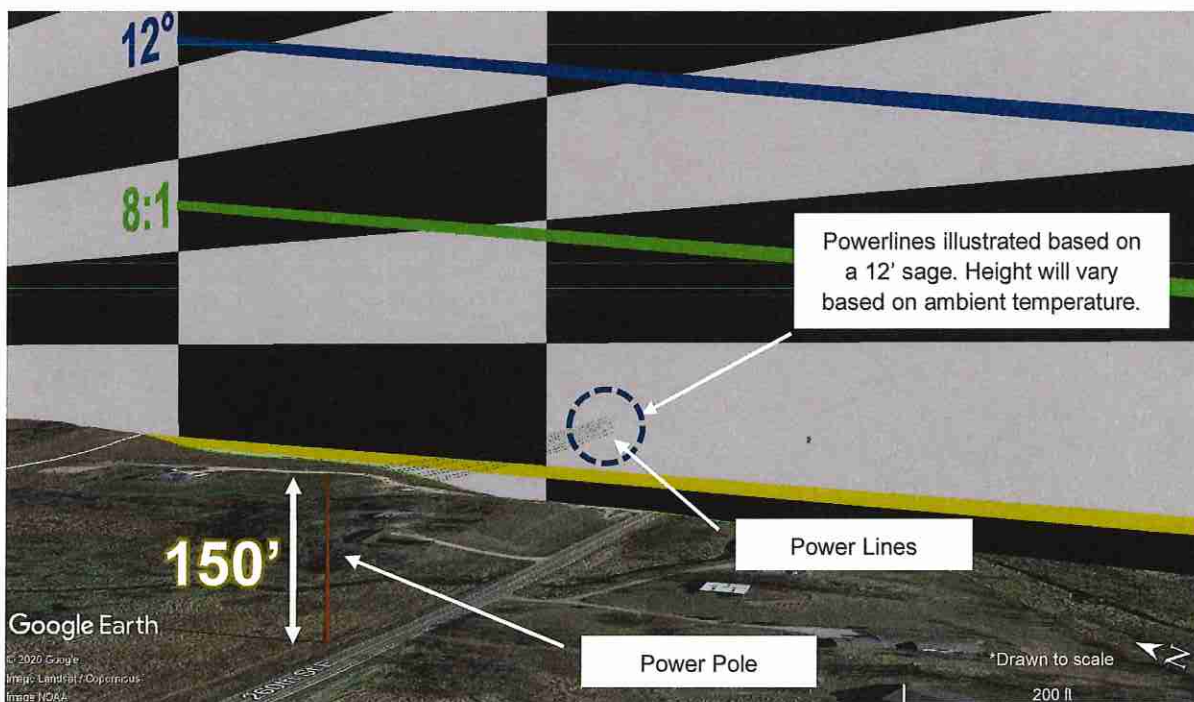
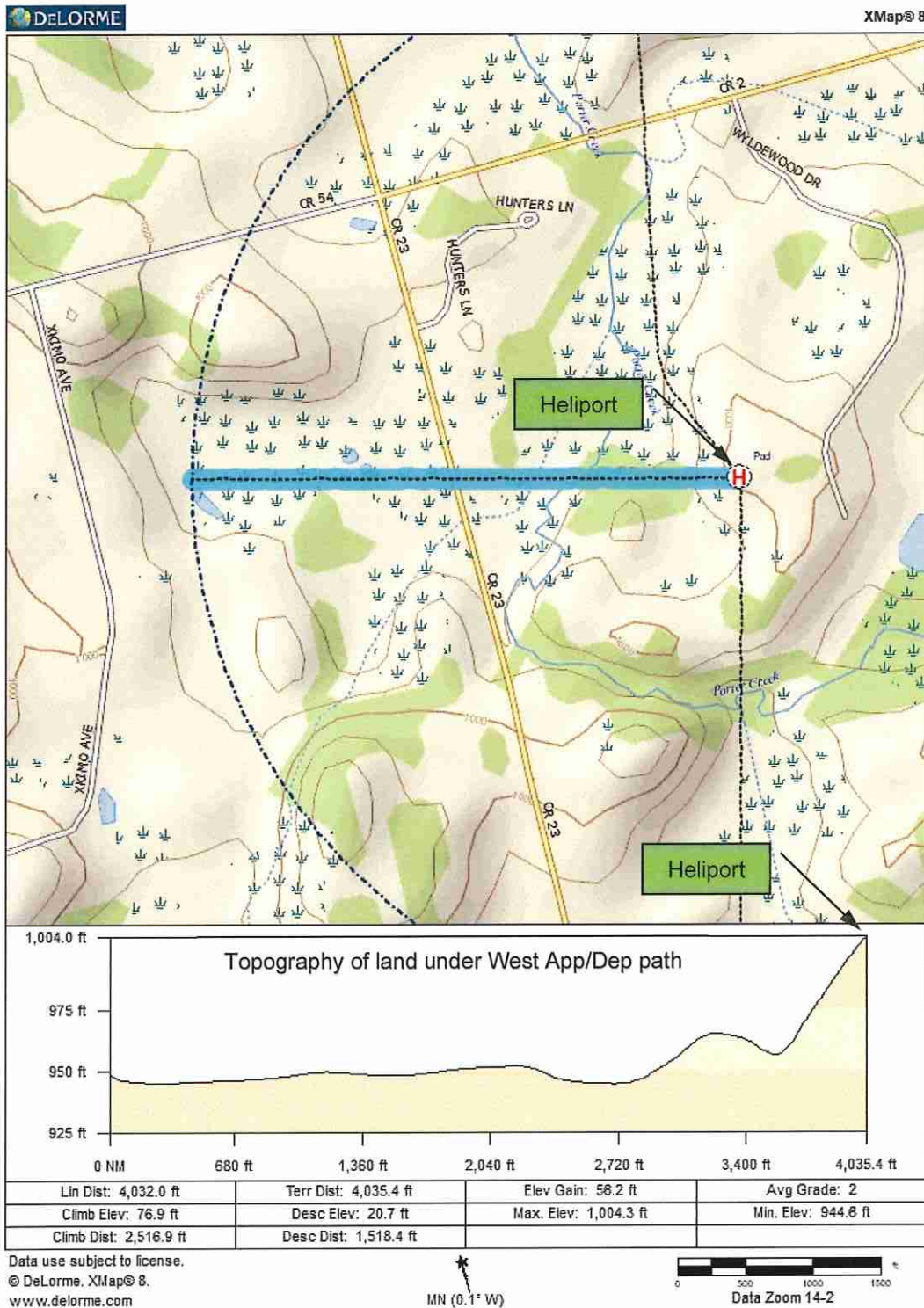


Illustration of the relationship between the East-West powerlines to the north of the proposed heliport location and a 12° App/Dep flight path.





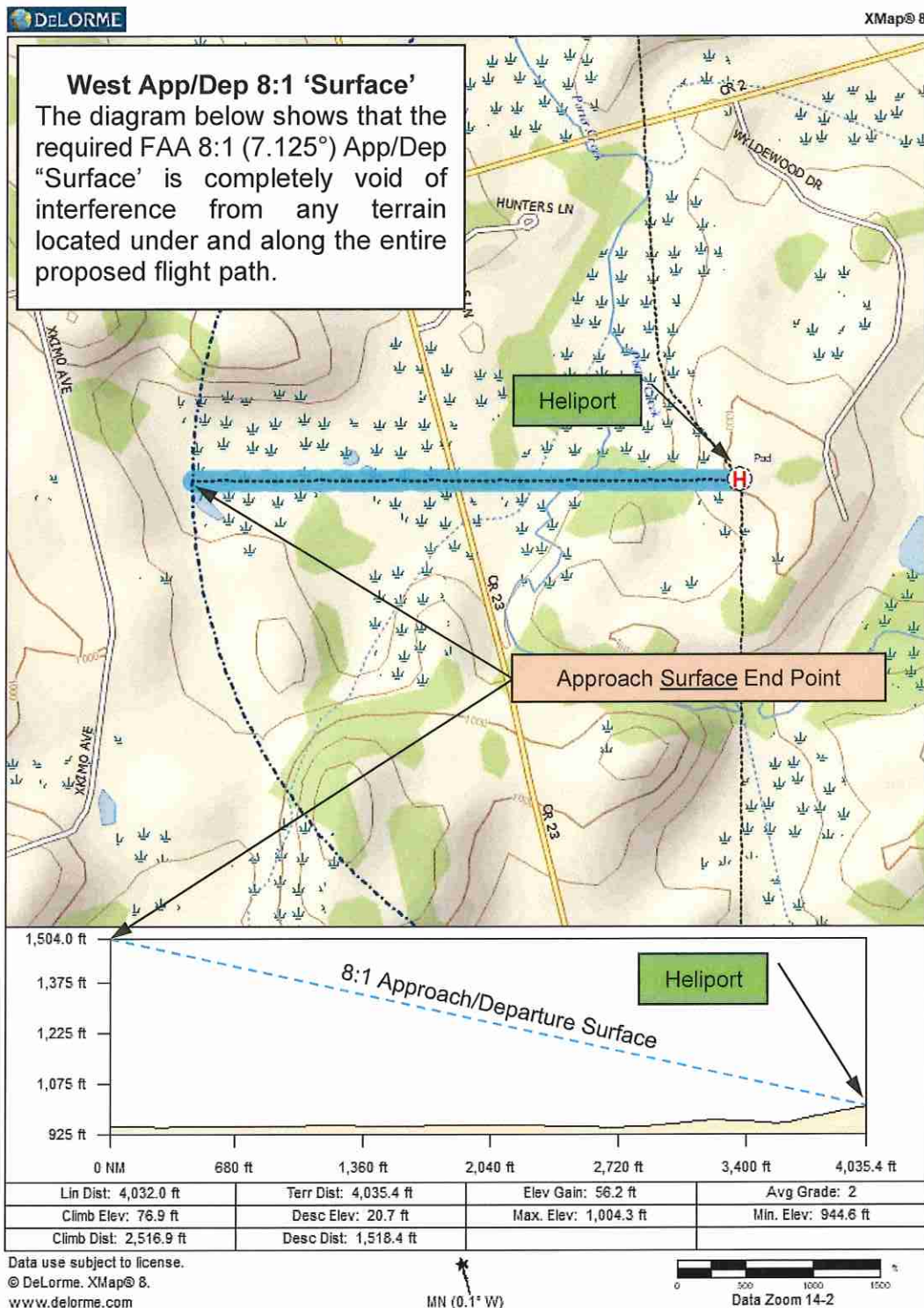
## I. West Approach/Departure Path Topographical Profile (Ground Level)





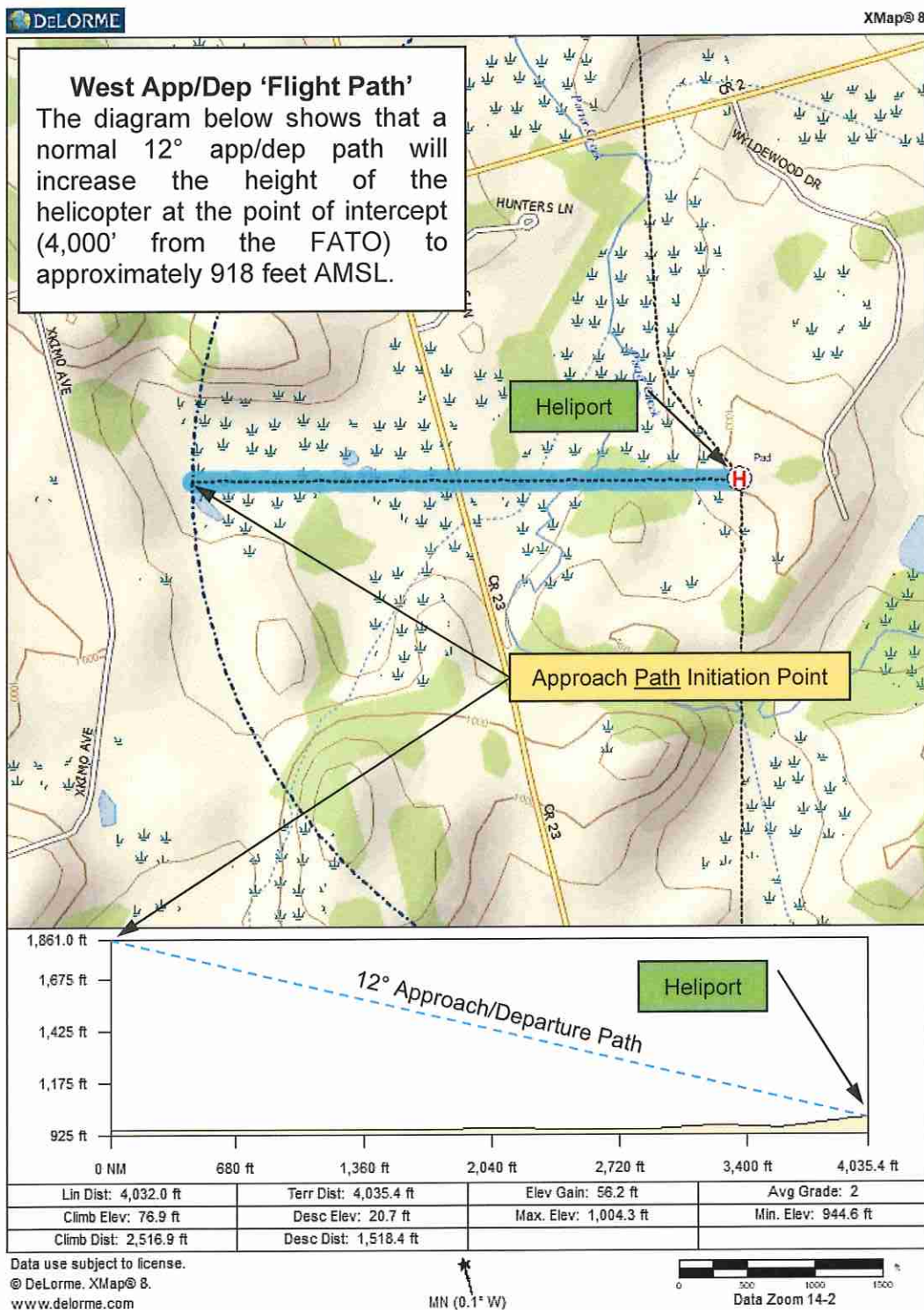


## II. West Approach/Departure Path Topographical Profile (8:1 Surface)





### III. West Approach/Departure Path Topographical Profile (12° App/Dep Angle)







BI – BA – BS  
*Be Informed – Be Aware – Be Safe*

Five-Alpha LLC  
*scientia est potentia*

#### IV. West Approach/Departure Path Airspace/Altitude Scale.

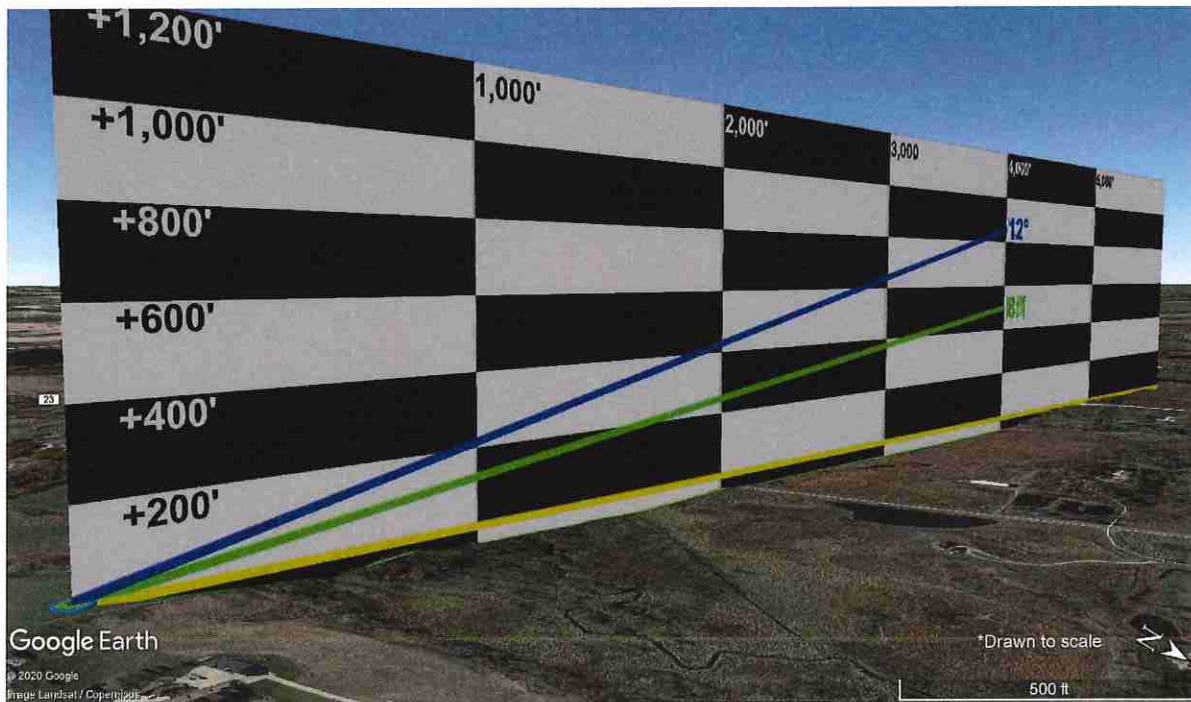
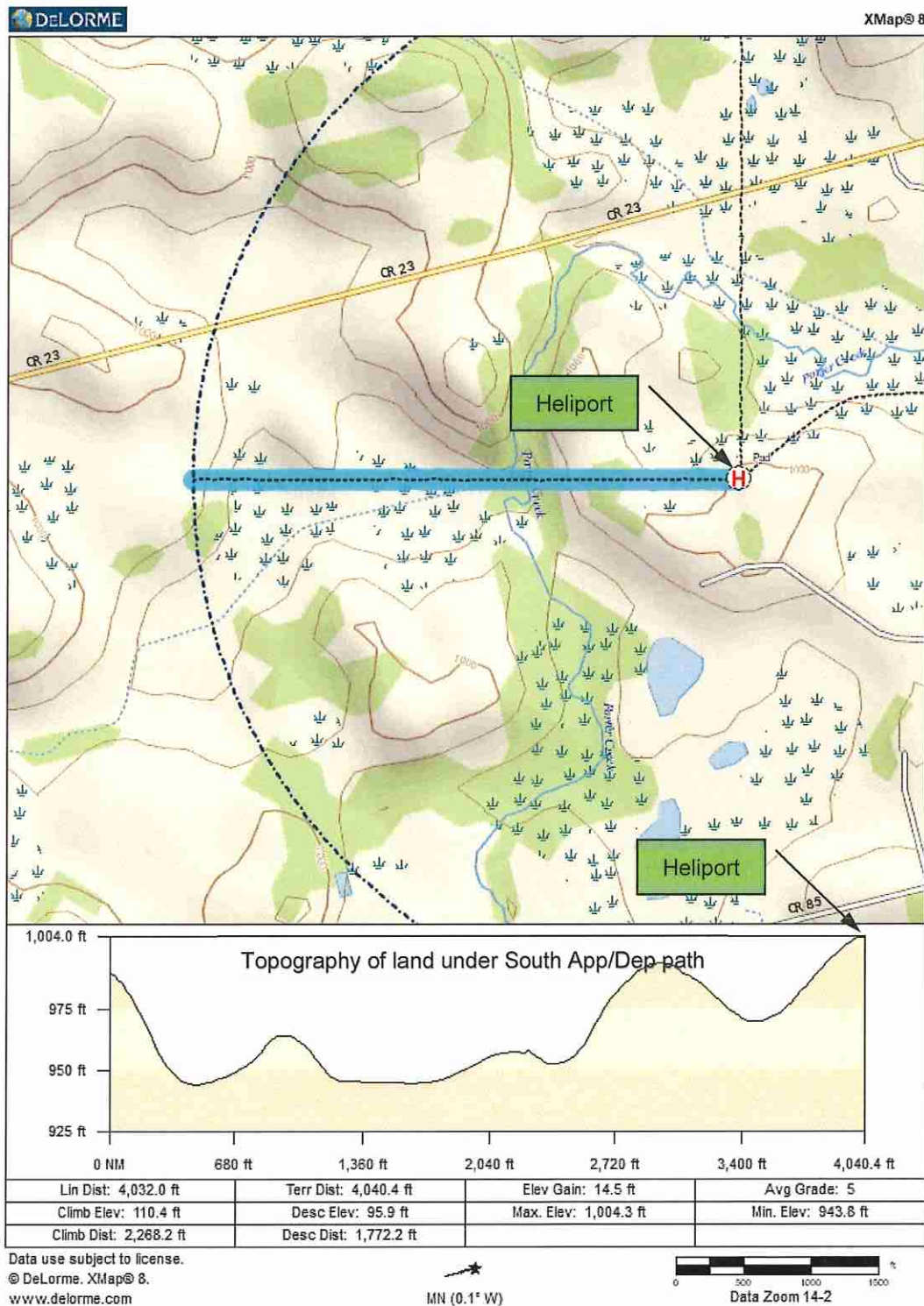


Illustration of the surface topography in relationship to the corresponding flight altitudes along and under the proposed West App/Dep flight path based on a finished heliport elevation of 1,009 feet (estimated) with an initiation point located 4,000-feet horizontally from the heliport FATO.



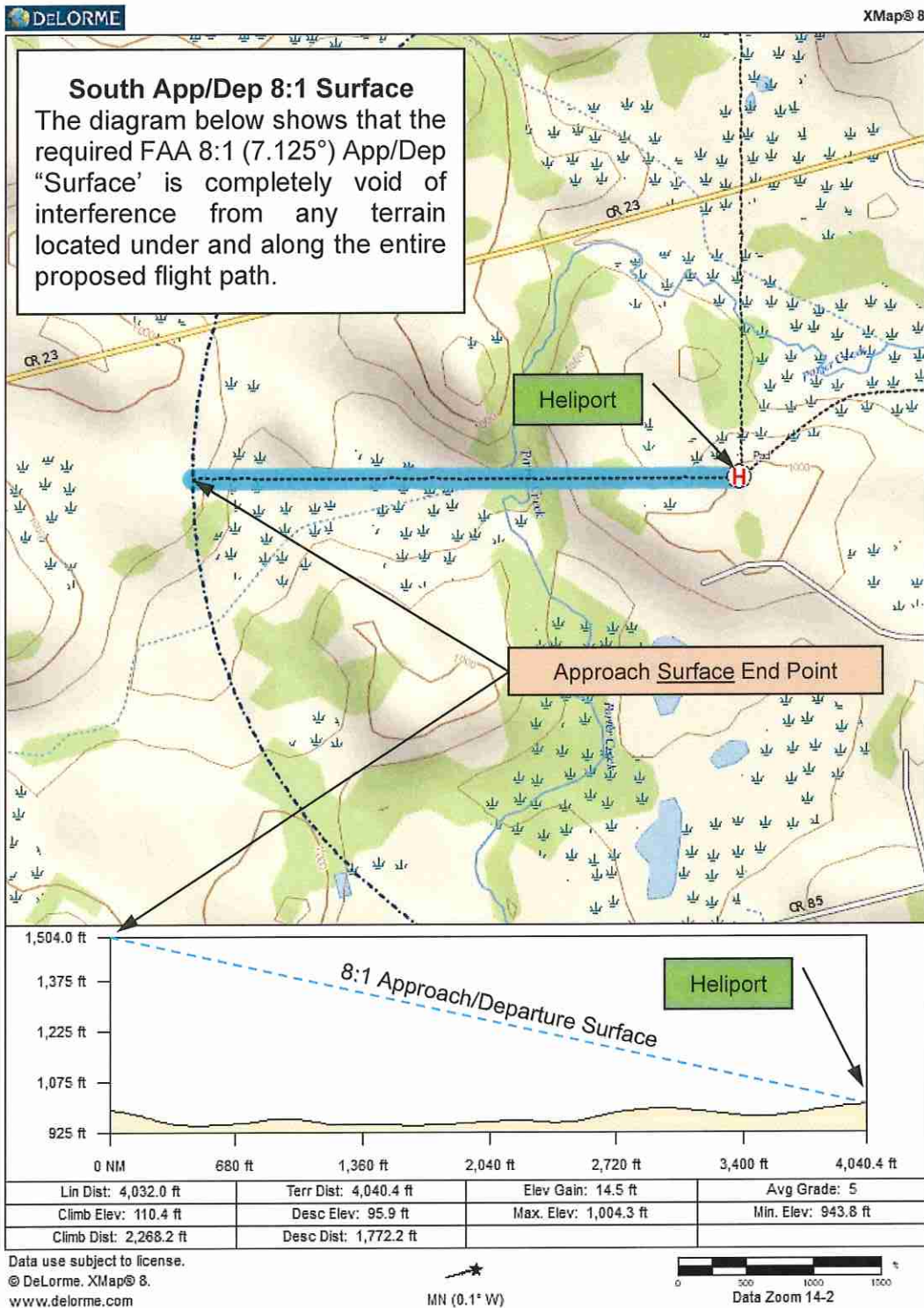


## I. South Approach/Departure Path Topographical Profile (Ground Level)





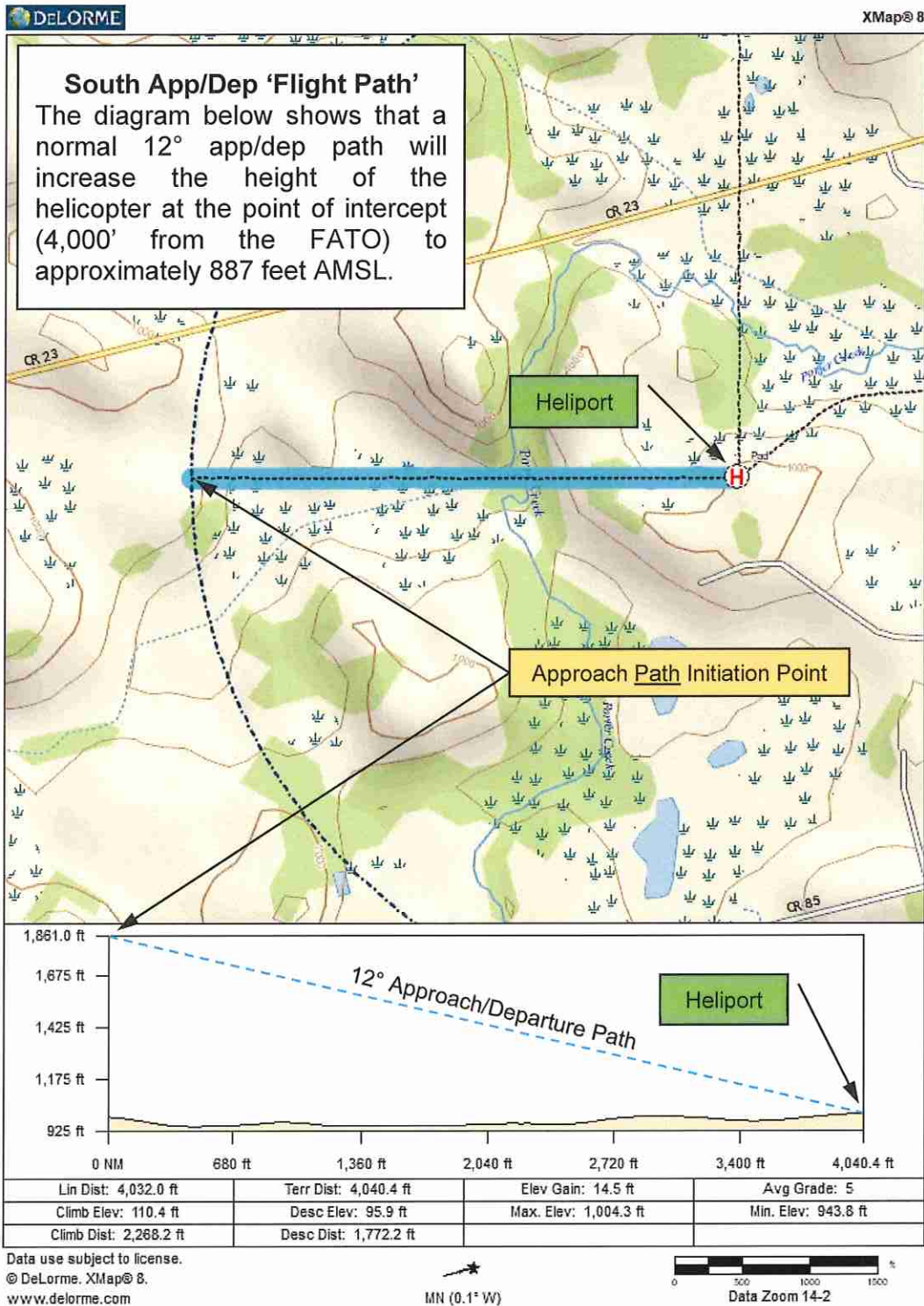
## II. South Approach/Departure Path Topographical Profile (8:1 Surface)







### III. South Approach/Departure Path Topographical Profile (12° App/Dep Angle)







#### IV. South Approach/Departure Path Airspace/Altitude Scale.

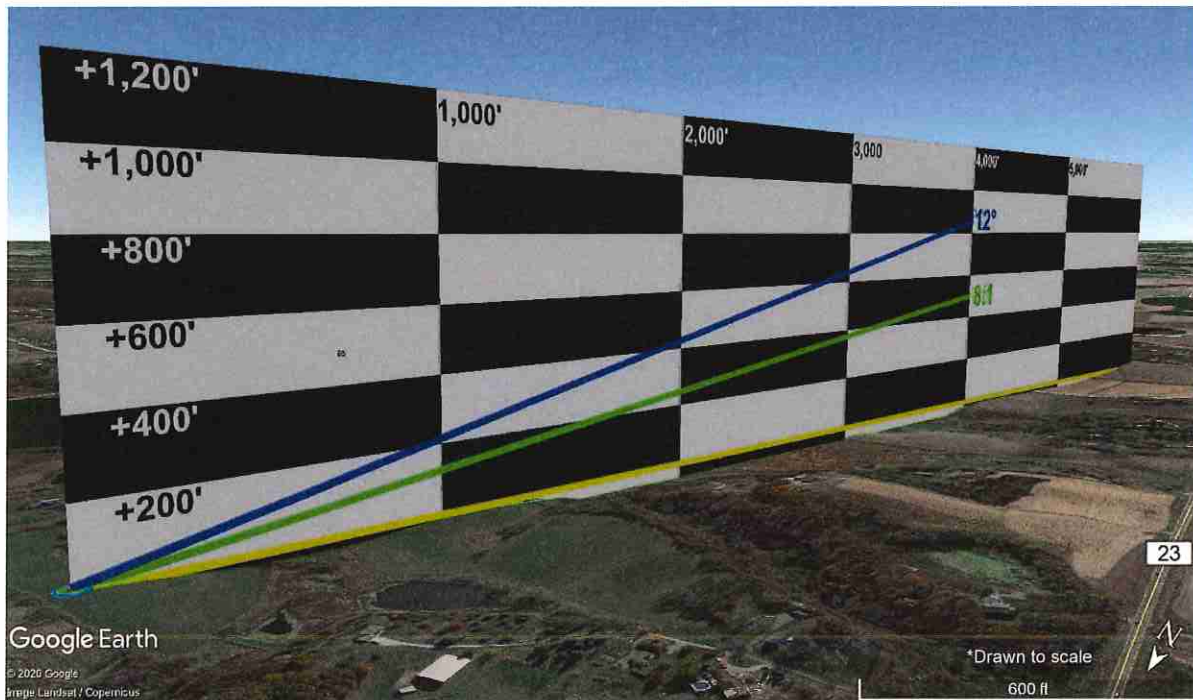
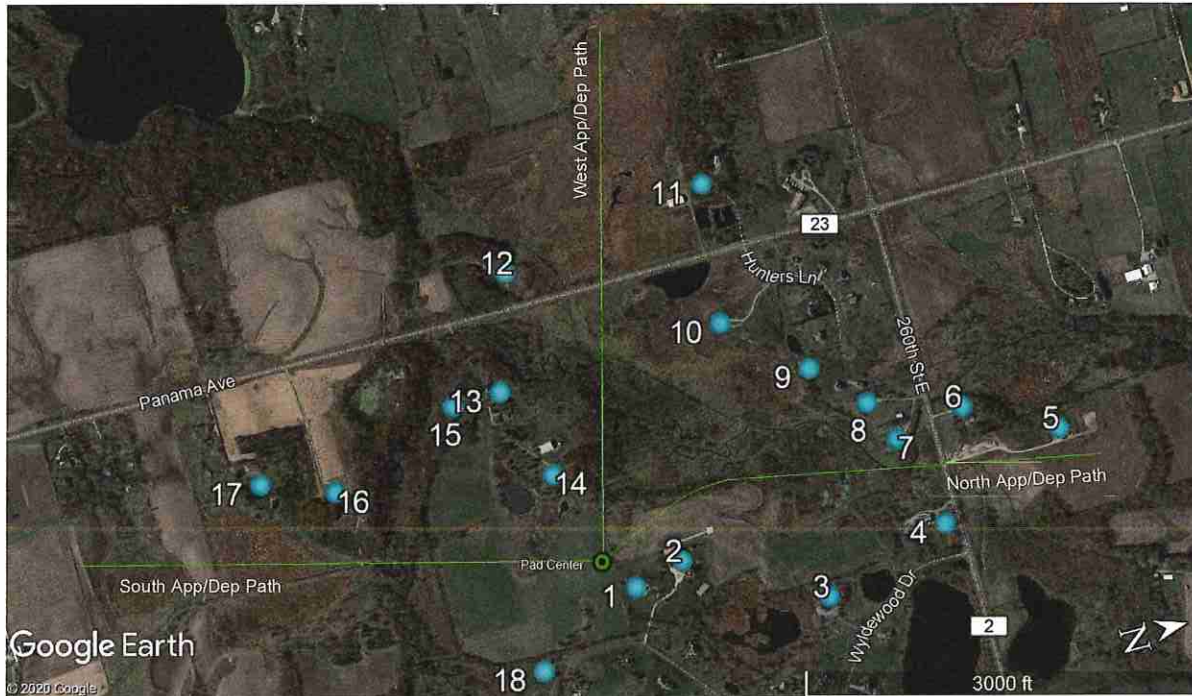


Illustration of the surface topography in relationship to the corresponding flight altitudes along and under the proposed South App/Dep flight path based on a finished heliport elevation of 1,009 feet (estimated) with an initiation point located 4,000-feet horizontally from the heliport FATO.



## Minimum Slant Range Distances

The following information illustrate the estimated minimum slant range distance in feet for each of the identified locations to the closest point along the 12° flight path.



\*Note: In evaluating all three proposed approach/departure paths only three homes were found to be located within 500 ft of any of the flight paths, all of which are in full support of the heliport.

Location	Nearest App/Dep Path	Est. Minimum Distance (ft)
1	NORTH	328 <sup>a</sup>
2	NORTH	389 <sup>b</sup>
3	NORTH	1,061
4	NORTH	779
5	NORTH	847
6	NORTH	788
7	NORTH	619
8	NORTH	724
9	NORTH	893
10	NORTH	1,196
11	WEST	1,028
12	WEST	1,010
13	WEST	843
14	WEST	423 <sup>c</sup>
15	SOUTH	1,195
16	SOUTH	655
17	SOUTH	849
18	SOUTH	838

Notes: a. Residence of Bruce & Laurie Facile, in support of heliport.  
b. Residence of Doug and Kelli Schieffer heliport owner.  
c. Residence of Don and Connie Lovelette, in support of heliport.



# ***DKPA HELIPORT***

## ***EMERGENCY ACTION PLAN***

### ***PROCEDURES & NOTIFICATIONS*** ***IN THE EVENT OF AN ACCIDENT!***

1. ***Communications:*** The heliport owner or designated person(s) will contact the appropriate public emergency agencies (i.e., fire or police department) by dialing **911** and advise them of the exact emergency, where it is located, what assistance is needed, and if there are any injuries. If assistance is needed other than on the heliport, refer to the Area Grid Map posted inside the heliport hangar for appropriate area and street names. If there are injuries to any persons, the owner or designated person(s) will assist in a manner consistent with the situation and capabilities of that person and their training.
2. ***Fires:*** The authorized helipad owner or designated person(s) will attempt to control any small fires with a portable fire extinguisher(s) and assist in the safe evacuation of any crew, passengers, or other personnel. This also applies to fires not associated with the helicopter or heliport.
3. ***Follow-up:*** The helipad owner or designated person(s) will then coordinate follow-up efforts with the following public safety agencies as needed:

<b>Scott County Sheriff's Department:</b>	<b>(952) 496-8300</b>
<b>New Market Area Fire Department:</b>	<b>(952) 461-2777</b>

***NOTE: Use 911 for urgent communications***

4. ***Aviation Notifications:*** After the situation is under control, if the accident involves substantial damage to the aircraft or personal injury, notify the following:

<b>FAA Minneapolis FSDO:</b>	<b>(612) 253-4400</b>
<b>NTSB 24-Hour Response Operations Center:</b>	<b>(844) 373-9922</b>
5. ***Reporting:*** If there is doubt about the need to report the accident, call any of the above agencies with a brief description of the circumstances to determine whether or not a formal report is required.



## **HELIPORT Emergency Action Plan- Cont.**

6. **Crash Site:** In the event of a serious aircraft accident, the property owner or designated person(s) will ensure the crash site is preserved until the NTSB or its authorized representative takes custody of the wreckage and establishes control of the site. The following items are standard NTSB protocols that should be followed.
- a) Establish a perimeter around the crash site
  - b) Protect property
  - c) Prevent the disturbance of wreckage and debris except to preserve life, rescue the injured, or protect the wreckage from further damage
  - d) Protect and preserve ground scars and marks made by the aircraft
  - e) Admit Public Safety Personnel access to the wreckage to the extent necessary to preserve life, and/or stabilize HAZMAT
  - f) Maintain a record of personnel who enter the accident site
7. **Prior to NTSB Arrival on Scene, Restrict Access only to Authorized Personnel**
- FAA
  - Police/Fire/EMS
  - Medical Examiner/Coroner
  - Other Emergency Services Agencies

**NOTE:** While the formal notification to the NTSB by the *operator* of the aircraft is required under NTSB 830-4, some state regulations require the licensees or their agents to report ALL aircraft accidents/incidents on or near their facility to the local police and the State Aeronautics Authority.

**MEDICAL EMERGENCIES** – If the emergency does not involve the helicopter; call 911 and contact the appropriate EMS personnel for addressing the medical emergency.

**NATURAL DISASTERS & SECURITY ISSUES** – Reference local and/or regional police.

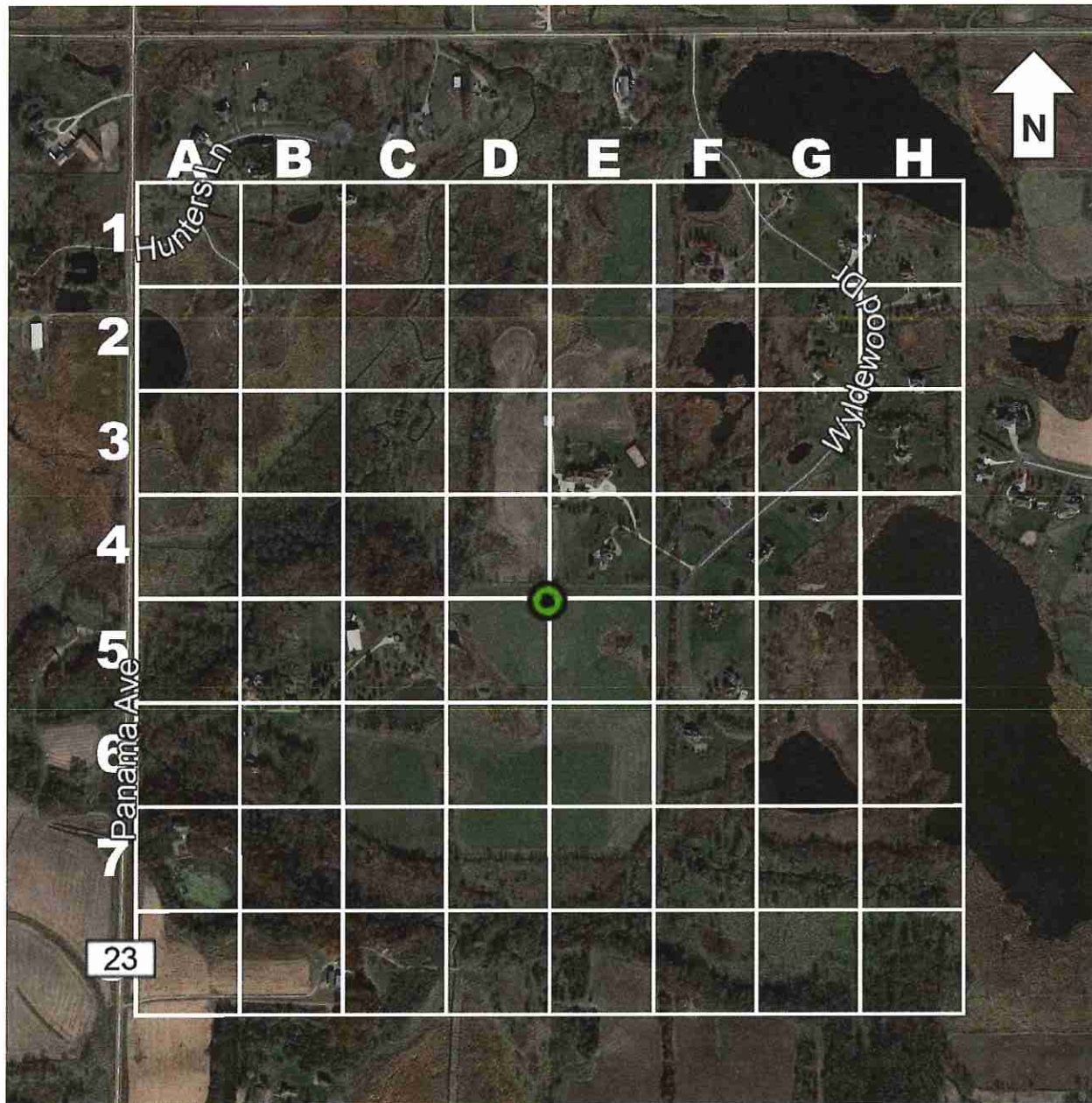
*\*NOTE: The Fire and Police Department are the leads in the event of an emergency and in charge of the scene upon arrival.*

# ***DKPA HELIPORT EMERGENCY GRID MAP***

***IAW NFPA-418***

***(To be posted at the heliport & provided to local first responders)***

*Grid squares are 500' X 500', total grid is 4,000' X 4,000'*



\*The heliports location is represented by the green circle at the center of the grid.



# **HELIPORT GENERAL SAFETY**

**The following guidelines are applicable to anyone involved in flight operations:**

1. No unauthorized personnel are to be on the heliport any time the heliport is active. Only designated and trained personnel should be around the heliport.
2. No one is allowed on the heliport while the rotor blades are in motion unless directed by and specifically authorized by the pilot.
3. Never approach the helicopter until signaled by the pilot or other flight crew member.
4. At no time is anyone permitted near the tail of the aircraft. Certain helicopters also have hazards to the front of the helicopter. Be familiar with the different procedures needed for the type of aircraft utilizing your heliport.\*
5. Always approach the aircraft in full view of the pilot.\*
6. No smoking is permitted on the heliport or within 50' of the helicopter itself.
7. No running is permitted on or in the vicinity of the heliport.
8. No, hats, bed sheets, loose articles, trash, or other objects and debris that could be blown or ingested by the helicopter should be allowed on or near the heliport.\*
9. Do not throw anything toward or from the aircraft.\*
10. Only properly trained and qualified personnel should be allowed to assist with the boarding of passengers from a running helicopter.\*
11. Do not lift anything higher than eye level when near the helicopter.\*
12. No equipment is to be under the rotor disc of the helicopter at any time.\*
13. During night operations, care should be taken that any lights, floodlights, flashbulbs, etc. be pointed away from the aircraft while it is landing or taking off.
14. Helicopters should never be left unattended at the heliport. There should always be a crewmember or security staff member at the helicopter at all times. Helicopters by their very nature are subject to the curious.
15. Be familiar with emergency action plans that include provisions for a helicopter mishap on or in the vicinity of the heliport. Be knowledgeable of, and able to perform, assigned duties.

(\*) denotes items where the procedures for a helicopter parked with the blades stopped do not pose the same need for extreme caution.





## DKPA Landing Heliport Lighting Plan

### TLOF Perimeter Lighting

For nighttime operations, the heliport TLOF perimeter will be identified with the prerequisite **"GREEN"** LED perimeter lighting as identified in the FAA Heliport Design Advisory Circular AC 150-5390-2C. These lights will meet the photometric standards as set forth in FAA Engineering Brief No. 87, entitled Heliport Perimeter Lights for Visual Meteorological Conditions (VMC).

### Type

There are two specific styles of lighting available that may be used, Semi-Flush or Elevated Omnidirectional Lights. In either case the maximum height allowed for any heliport perimeter lighting is 2 inches above the surface of the heliport. The main reasons for this low profile is twofold. First it reduces the potential of being stuck by the helicopter during operations and second it reduces the amount of light that may be visible to adjoining property owners. In the case of the DKPA heliport the decision has been made to incorporate semi-flush lighting into the heliport.

### Number

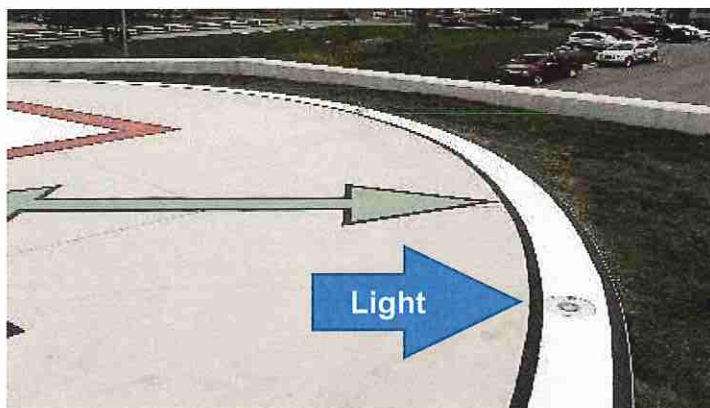
Circular heliports are to have their Touchdown Liftoff area (TLOF) defined using an even number of lights, with a minimum of eight, uniformly spaced.

### Remote Control

It is anticipated that the heliport lighting will be incorporated into a cellular based remote-control system such that the heliport lighting will only be turned on when it is needed for either landing or takeoff.



*Example:  
Semi- Flush mounted lighting in  
heliport concrete*



### Visibility

Heliport lighting is specifically designed to be primarily visible to pilots on approach to a heliport from altitude and not by observers located at ground level. This coupled with the friendly topography surrounding the DKPA heliport means that these lights will not be readily visible to anyone located on adjoining properties.



Airspace	Flight visibility	Distance from clouds
Class A	Not applicable	Not applicable.
Class B	3 statute miles	Clear of clouds.
Class C	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Class D	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Class E:		
Less than 10,000 feet MSL	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
At or above 10,000 feet MSL	5 statute miles	1,000 feet below. 1,000 feet above. 1 statute mile horizontal.
Class G:		
1,200 feet or less above the surface (regardless of MSL altitude)		
Day, except as provided in §91.155(b)	1 statute mile	Clear of clouds.
Night, except as provided in §91.155(b)	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
For helicopters:		
Day	1/2 statute mile	Clear of clouds.
Night, except as provided in §91.155(b)	1 statute mile	Clear of clouds.
More than 1,200 feet above the surface but less than 10,000 feet MSL		
Day	1 statute mile	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Night	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL	5 statute miles	1,000 feet below. 1,000 feet above. 1 statute mile horizontal.

(b) **Class G Airspace.** Notwithstanding the provisions of paragraph (a) of this section, the following operations may be conducted in Class G airspace below 1,200 feet above the surface:

(1) **Helicopter.** A helicopter may be operated clear of clouds in an airport traffic pattern within 1/2 mile of the runway or heliport of intended landing if the flight visibility is not less than 1/2 statute mile.

(2) **Airplane, powered parachute, or weight-shift-control aircraft.** If the visibility is less than 3 statute miles but not less than 1 statute mile during night hours and you are operating in an airport traffic pattern within 1/2 mile of the runway, you may operate an airplane, powered parachute, or weight-shift-control aircraft clear of clouds.

(c) Except as provided in §91.157, no person may operate an aircraft beneath the ceiling under VFR within the lateral boundaries of controlled airspace designated to the surface for an airport when the ceiling is less than 1,000 feet.

(d) Except as provided in §91.157 of this part, no person may take off or land an aircraft, or enter the traffic pattern of an airport, under VFR, within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport—

(1) Unless ground visibility at that airport is at least 3 statute miles; or

(2) If ground visibility is not reported at that airport, unless flight visibility during landing or take-off, or while operating in the traffic pattern is at least 3 statute miles.

(e) For the purpose of this section, an aircraft operating at the base altitude of a Class E airspace area is considered to be within the airspace directly below that area.

[Docket No. 24458, 56 FR 65660, Dec. 17, 1991; as amended by Amdt. 91-235, 58 FR 51968, Oct. 5, 1993; Amdt. 91-282, 69 FR 44880, July 27, 2004; Amdt. 91-330, 79 FR 9972, Feb. 21, 2014; Amdt. 91-330A, 79 FR 4125, July 15, 2014]

### §91.157 Special VFR weather minimums.

(a) Except as provided in Appendix D, section 3, of this part, special VFR operations may be conducted under the weather minimums and requirements of this section, instead of those contained in §91.155, below 10,000 feet MSL within the airspace contained by the upward extension of the lateral boundaries of the controlled airspace designated to the surface for an airport.

(b) Special VFR operations may only be conducted—

- (1) With an ATC clearance;
- (2) Clear of clouds;
- (3) Except for helicopters, when flight visibility is at least 1 statute mile; and
- (4) Except for helicopters, between sunrise and sunset (or in Alaska, when the sun is 6 degrees or more below the horizon) unless—

(i) The person being granted the ATC clearance meets the applicable requirements for instrument flight under part 61 of this chapter;

(ii) The aircraft is equipped as required in Part 91.205(d).

(c) No person may take off or land an aircraft (other than a helicopter) under special VFR—

- (1) Unless ground visibility is at least 1 statute mile; or
- (2) If ground visibility is not reported, unless flight visibility is at least 1 statute mile.

For the purposes of this paragraph, the term flight visibility includes the visibility from the cockpit of an aircraft in takeoff position if:

- (i) The flight is conducted under this Part 91; and
- (ii) The airport at which the aircraft is located is a satellite airport that does not have weather reporting capabilities.

(d) The determination of visibility by a pilot in accordance with paragraph (c)(2) of this section is not an official weather report or an official ground visibility report.

[Docket No. 18334, 54 FR 34294, Aug. 18, 1989, as amended by Amdt. 91-235, 58 FR 51968, Oct. 5, 1993; Amdt. 91-247, 60 FR 66875, Dec. 27, 1995; Amdt. 91-262, 65 FR 16116, March 24, 2000]

### §91.159 VFR cruising altitude or flight level.

Except while holding in a holding pattern of 2 minutes or less, or while turning, each person operating an aircraft under VFR in level cruising flight more than 3,000 feet above the surface shall maintain the appropriate altitude or flight level prescribed below, unless otherwise authorized by ATC:

(a) When operating below 18,000 feet MSL and—

- (1) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude +500 feet (such as 3,500, 5,500, or 7,500); or
- (2) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude +500 feet (such as 4,500, 6,500, or 8,500).

(b) When operating above 18,000 feet MSL, maintain the altitude or flight level assigned by ATC.

[Docket No. 18334, 54 FR 34294, Aug. 18, 1989; as amended by Amdt. 91-276, 68 FR 70133, Dec. 17, 2003]

### §91.161 Special awareness training required for pilots flying under visual flight rules within a 60-nautical mile radius of the Washington, DC VOR/DME.

(a) **Operations within a 60-nautical mile radius of the Washington, DC VOR/DME under visual flight rules (VFR).** Except as provided under paragraph (e) of this section, no person may serve as a pilot in command or as second in command of an aircraft while flying within a 60-nautical mile radius of the DCA VOR/DME, under VFR, unless that pilot has completed Special Awareness Training and holds a certificate of training completion.

(b) **Special Awareness Training.** The Special Awareness Training consists of information to educate pilots about the procedures for flying in the Washington, DC area and, more generally, in other types of special use airspace. This free training is available on the FAA's Web site. Upon completion of the training, each person will need to print out a copy of the certificate of training completion.

(c) **Inspection of certificate of training completion.** Each person who holds a certificate for completing the Special Awareness Training must present it for inspection upon request from:

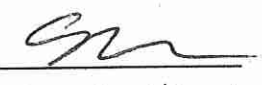
- (1) An authorized representative of the FAA;
- (2) An authorized representative of the National Transportation Safety Board;



**Public Petition Opposed to Operation of a Heliport at 26627 Panama Avenue  
(Parcel ID No. 039260103) Webster, Minnesota - Cedar Lake Township, Scott  
County, Minnesota**

The following property owners are opposed to operation and use of a private heliport on referenced residential property and request that no variance, Conditional Use Permit (CUP) or similar land use authority be granted to allow a private helipad on the subject residential property.

Subject property should not be allowed to be acquired and merged with Parcel ID 038010040.

Property Owner Name	Address	Date	Signature
Shane Vandervoort	26110 Zachary Ave	8/25/2020	
Kelly Vandervoort	26110 Zachary Ave	8/25/2020	Kelly Vandervoort

Phone Number (optional) \_\_\_\_\_

Email: (optional) \_\_\_\_\_

Additional Comments:

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Notes:

Initial: \_\_\_\_\_

Initial: \_\_\_\_\_

Shane - Pilot, works for MAC  
Kelly - Works in airline industry

Home is on high ridge near heliport,  
5 Horses on property  
Near 345,000 volt power lines.

Loren Bahls



September 24, 2020

Dear Scott County Planning Advisory Members:

We strongly oppose the CUP requested by Doug Schieffer to own and operate a heliport on his private property. The proposed use benefits one homeowner and does not serve the greater good of the surrounding area. One man's passion will greatly affect the quality of life, sleep patterns and property values for many that live in the area.

While we understand that state law dictates your level of authority in considering the applicant's request, we ask that you consider our concerns when you adopt conditions related to the CUP. Our concerns are valid as homeowners in Cedar Lake Township for over 15 years. Our land, home, accessory buildings and most importantly our investments in each were established long before this request was brought to you for review.

We have concerns about the proposed flight route to the north. Condition 14 states that the applicant shall not hover at low altitude over private property. According to information submitted by the applicant, he would be above our property by only 150 feet should he use the northern route. We respectfully request that the **northern flight route be eliminated** for the following reasons:

- The verbal comments at the September 14 meeting, calls to staff, petitions, correspondence and comments provided by homeowners that are directly affected by the northern flight route.
- The northern flight route is the most populated of three routes proposed at the September 14 meeting.
- There is a line of homes within a ¼ mile north of the proposed heliport location that the applicant will repeatedly fly directly over in his operations.
- Per the expert testimony on September 14, only two routes are needed for weather conditions.
- Many of our neighbors have horses and household pets that will be impacted by the proposed use. By eliminating the northern flight route, impacts to the animals will be less. Just like the homeowners, there is no way to measure the helicopter use impacts.

Should the northern route not be removed, we are requesting that the applicant be required to pay for additional soundproofing measures to the homeowners affected by the route. This request is similar to homeowners that were affected by the noise at MSP Airport and the noise mitigation measures put in place.

We are also asking you to have the applicant provide a flight route to the east. Based on testimony provided by the applicant's wife and neighbors on September 12 this should not be an issue. They have stated they support the heliport and flight operations because they are used to all the noise that cars, semi-trucks and motorcycles create while traveling County Road 2 along with

area neighbors mowing lawn. The expert and the applicant both stated that flying helicopters over homes is completely safe.

The proposed Condition 8 is too ambiguous as currently written. We propose that the hours be set at 7 a.m. to 7 p.m. Monday through Saturday and no flights allowed on Sunday. Our proposal is based on the following:

- The current condition as written allows for operations to begin as early as 4:49 a.m. in the summers.
- While we are located in a township, most municipalities have noise ordinances regulating the use of noisy equipment. Municipalities in the metro area do not allow use of said equipment to start until 7 a.m.
- Our neighborhood consists of working class who are predominately home on the weekends. Some homeowners work evening shifts. Please consider the effect on our sleep patterns.
- Eliminating Sunday flights will minimize impact to neighbors and allow for one day a week without the additional noise.
- While the applicant would be limited in times to use his private heliport he still has the ability to take off and land from a private airport off site on all other days and times.

In a letter from the applicant on August 7, 2020, he "doubted he would perform more than 50 operations per year." Based on his own admission and the impact to the area, we ask that Condition 7 be amended to allow for 50 take-offs and 50 landings per calendar year. We do not support the additional four days per calendar year. Again, as stated above, the applicant has the opportunity to take off and land from a private airport off site on all other days and times.

At the September 12 meeting it was stated over and over again by the applicant and his neighbors that noise is noise. We disagree. The sound from traffic on County Road 2 is completely different than a helicopter flying 150 feet over our home. Thanks to the applicant operating his helicopter last summer without a permit, we were able to experience firsthand the impact of the noise. We also experienced our home shaking when the helicopter was over head. A passing car, loud motorcycle or the use of jake breaks did not cause our house to shake. For traffic along County Road 2 we can close our windows; however, with the helicopter closing the windows provided no relief. Adding noise to a noise problem does not fix a noise problem.

So that you fully understand the noise impact to our home, and to make thoughtful and careful conditions since this will set precedent in Scott County, we ask you to consider participating in a test flight. The test should include the helicopter warm up and cool down period with takeoff and landing using a similar helicopter flying overhead at 150 feet. Per the expert's information on September 14, the applicant could fly over our homes at 150 feet when using a seven degree takeoff or departure. Even though Condition 9 requires the applicant to comply with MPCA noise standards, we want you to experience the noise first hand to truly understand the impact. Additionally, our homes are located in a valley with unique topography that compounds the noise. Also,

Condition 9 should be amended to read that Scott County should select the noise consultant to ensure a neutral party review is conducted.

This CUP will set precedent in Scott County so annual review by this board is crucial. Who will monitor that the applicant is meeting all conditions of the CUP? Who will ensure the current helipad is removed since it was built without a permit? If it is not removed, what is to stop the applicant from using it? What are the setbacks for the proposed helipad? Is it possible with setbacks to position the new heliport to the south line of the new property to mitigate noise to the majority of opposing neighbors to the north? How many noise complaints will be too many?

Finally, even though October 12 is a not public hearing, we request that the Chair consider allowing comments from residents that were part of the public notice area for the September 14 meeting. The applicant will have the opportunity to speak again and residents directly impacted by the CUP deserve the chance to be heard. If we chose to sell our property, we have to disclose that a helipad is located in our backyard. This decision will forever affect our quality of life in our homes and our future property values.

Thank you for considering our requests and for recognizing our investments in our property.

Sincerely,  
Steve and Amy Domeier

cc: Scott County Commissioner Tom Wolf  
Brad Davis, Scott County Planning Manager  
Marty Schmitz, Zoning Administrator



## Schmitz, Martin

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**From:** Derek Nordtvedt <sdsuswimmer@hotmail.com>  
**Sent:** Wednesday, September 30, 2020 1:14 PM  
**To:** wolf@co.scott.mn.us; Schmitz, Martin; Davis, Brad  
**Subject:** [External]Opposing CUP-Helicopter use

Scott County Planning Advisory Members,

This email is about how we oppose the request by Mr. Doug Schieffer to operate a heliport on his private property. While I am all for people having hobbies, I don't agree when someone's hobby can affect my families quality of life. While I am understanding that you are limited what you can and can't do in regards to this CUP request, I have a few requests.

First, in regards to Condition 14. I believe the northern flight route should be eliminated. I heard the neighbors next to Mr. Schieffer have no issues with him flying his helicopter over their houses because they are used to the vehicle noise from County Rd 2. If they believe "noise is just noise," then they should have no problem with it flying a route that is over their houses. From my understanding, there needs to be two flight plan options. I believe a route from the east or to the south would be sufficient. No need to have flights over our houses to the north, when his neighbors are ok with him flying over theirs.

Second, in regards to Condition 8. The current conditions as they are written, could potential mean during the summers, he could fly his helicopter as soon as approximately 5am and as late as 10pm. I work at night and sometimes do not get home until approximately 4am or 5am. So, to have a helicopter, flying over my house close to 150 ft.....my house will be shaking. Flying only 150 ft over a residence also seems ridiculously low. It was shaking last summer as I was trying to sleep when he would land and take off several times a day. To have his wife and/or neighbor say they would not even hear the helicopter land and take off....I find this very hard to believe. Usually, a city has some kind of noise ordinance where construction equipment can only go from 7a-8pm or something like that. While I would prefer no flights, I also believe the county can not be more restrictive on this matter than what some city ordinances currently allow for construction equipment. I would propose a 7am-7pm Monday-Friday. Then possibly keep it 8am-7pm on Saturday and no flights on Sunday.

As far as the number of take offs and landings. Mr. Schieffer said he doubted he would perform more than 50 operations per year. I request that if that is the case, you cap the number at 50 per year. From my understanding, if he needed more, he can park his helicopter at the airport it is currently at (in Fairbault I believe) and do his flying from there. That is still a lot closer and more convenient than going to MSP.

Lastly, from a meeting with my neighbors that were able to attend the September 12 meeting, I heard that Mr. Schieffer possibly made his current helipad without getting a permit? If that is true, what are the consequences for that? He has made additions to his house and built barns/garages, did he get permits for those? How does a guy, that owns/runs a construction company, not know he was suppose to get a permit to build a helipad? I think he needs to tear up the helipad and do it correctly. If there are not any consequences, what would be the point of me paying for permits to build a pull barn (that I hope to build) in the next couple of years? I would also ask you, if he violates any of the rules in place for the use of his helicopter, what will happen? Who do we call? If there are no consequences for building a helipad without proper permits and following county rules, what assurances do we get, if he violates any of the potential rules on his helicopter, that there will be fines or cancelation of his CUP?

Thank you for your considering our requests.

Derek and Janelle Nordtvedt

Tracy Hilfer  
4090 Hunters Ln  
Webster, MN 55088

September 28, 2020

Scott County Planning Advisory Members and Commissioners,

As an interested party living within ¼ of a mile of the Schieffer property I strongly oppose the CUP request to own and operate a heliport from his private property.

My concerns are,

- I work from home full time and not do to COVID-19, when the helicopter fly's over our home it echoes so bad between the houses in our development because we sit in a valley.
- When the helicopter fly's over I am not able to be on calls for work because of the echo.
- The echo from the helicopter hurts our dogs' ears and scares him and is the applicant going to pay the added expense of trying to keep our dog from going crazy while using the illegal heliport?
- The safety of someone claiming to have PTSD and scared to drive a car and now letting them fly a helicopter over my home.
- Resell value of our homes.
- That the Scott County Planning Advisory Members and Commissioners have not experienced first had the echo while the applicant flying over our homes and they don't have to live with it like we do.

Below are a few conditions in the order of importance I would like you to consider.

1. Current proposed Condition 14 - States that the applicant shall not hover at low altitude over private property. According to information submitted by the applicant, he would be above our property by only 150 feet should he use the northern route. We would like to see the northern flight route be eliminated.

**Priority 1 – Updated Flight route**

- **Remove the northern flight route**
  - *On Hunter Ln 9 out of 10 neighbors are verbally against the heliport. Findings based on petition signatures, correspondence and comments provided at Sept. 14<sup>th</sup> meeting.*
  - *The northern route is the most populated of the three proposed on Sept. 14<sup>th</sup>.*
  - *There is a line of homes ¼ mil north of the Schieffer property Doug will repeatedly fly directly over.*
  - *Per the expert from the Sept. 14<sup>th</sup> meeting only 2 routes are needed for weather conditions*
  - *Should the northern route not be eliminated, we are requesting that the applicant be required to pay additional soundproofing measures to the homeowners affected by the route. This request is like the homeowners that were affected by the noise at MSP Airport and the noise mitigation measures that were put into place.*
- **Make southern route the primary route as it has the least impact on homeowners in the area.**
- **Add an eastern route as the secondary route.**
  - *Doug stated 10 of his 15 of his neighbors supported the CUP.*



- *Doug's neighbors stated on public record they were fine with the CUP and noise is noise so not an issue.*
- *Applicate to provide a flight route to the east. Based on testimony provided by the applicant's neighbors and his wife on September 14th this should not be an issue. This was stated they supported the heliport and helicopter operations because they are used to all the noise that come from cars, 18 wheelers and motorcycles created while traveling County Road 2 as well an area neighbors mowing lawns.*

2. Current proposed Condition 8 – The heliport can only be used during daylight hours. Daylight hours for this permit shall consist of ½ hour before sunrise and 1 ½ hour after sunset.

**Priority 2 – Updated Flight times**

- **Recommend hours of 7 a.m. to 7 p.m. Monday through Saturday and NO flights on Sunday.**
  - *Current condition allows for flights from as early as 4:59 a.m. to 9:23 p.m.*
  - *Neighbors in this area are working class and predominately home on the weekends. Some homeowners work evening shifts. Eliminating Sunday flights will minimize impact to neighbors.*
  - *The applicant has the ability to take off and land from private airport on all other days, times, etc.*

3. Current proposed Condition 7 – The heliport shell be limited to two take-offs and two landings per day and 84 take-offs and 84 landings per calendar year. On four days per calendar year the number of take-offs and landing may exceed two. And based on the appicates August 7, 2020 letter he states, doubted he would perform more than 50 operations per year. Based on his own admission and the impact to the area, we ask that Condition 7 be amended

**Priority 3 – Updated Flight quantity concerns:**

- **Limit operations to 50 times per year as Doug told neighbors in a letter on 8/7/2020 “he doubted he would perform more than 50 operations per year”.**
  - *The applicant has the ability to take off and land from private airport on all other days, times, etc.*
- **Do not allow that on four days per calendar year the number of take offs and lands may exceed two.**
  - *The applicant has the ability to take off and land from private airport on all other days, times, etc.*

4. Current Condition 9 – The heliport use shall comply with all MPCA noise standards. If the County receives multiple valid complaints on noise within a calendar year the applicate at his expense shall have a noise consultant provide a report to the County showing MPCA standards are being met. If exceedances are occurring the noise consultant shall provide mitigation measures to resolve the exceedance.

**Priority 4 – Updated Request Planning Advisory Committee participate in test flight, warm and cool down period with takeoff and landing with similar helicopter flying overhead at 150 feet.**

- *All noise is not the same. The sound of a passing car on County Road 2 or a small plane with altitude whizzing by is significantly different than the chop of a helicopter over our homes at a150' altitude.*
- *Per Doug's team's information presented at Sept. 14 meeting he could be flying over this line of homes at 150 +/- altitude when using a 7 degree approach or departure.*
- *Scott County should select the noise consultant at the applicant's expense. Want a third party not associated with either the applicant or the County.*

5. Current Condition 2 - The Conditional Use Permit shall be annually reviewed by the Township at a time and in a manner as prescribed by the Cedar Lake Township Board

**Priority 5 – Updated Annual review is completed by Scott County Planning Advisory Board.**

6. Current Condition 6 – The heliport shall be limited to private use by the applicant/owner only. No other helicopters shall use this helipad

**Priority 6 – Update on Who is going to monitor that Doug Schieffer is meeting the conditions of the CUP?**

#### **General Comments**

- The meeting on October 12 is a not public hearing, we request that the Chair consider allowing comments from residents that were part of the public notice area for the September 14 meeting. The applicant will have the opportunity to speak again and residents directly impacted by the CUP deserve the chance to be heard.
- Removal of current helipad that was put in illegally, so it won't be used.
- What are the consequences if conditions are not met? How are conditions measured? How do we report violations?
- At the September 14<sup>th</sup> meeting it was stated over and over by the applicant and his neighbors that noise is noise. We disagree. The sound from traffic on County Road 2 is completely different than a helicopter flying 150 feet over our home. With the applicant operating his helicopter last summer without a permit, we were able to experience firsthand the impact of the noise. We also experienced our home shaking when the helicopter was over head. A passing car, loud motorcycle or the use of jake-breaks did not cause our house to shake. For traffic along County Road 2 we can close our windows; however, with the helicopter closing the windows provided no relief. Adding noise to a noise problem does not fix a noise problem.
- Request the new helipad and shed are positioned to the south line of the new property minimize noise to opposing neighbors.
- If we chose to sell our property, do we have to disclose that a helipad is in our backyard. This decision will forever affect our quality of life in our homes and our future property values?
- Applicant claims that he has PTSD because of a car accident, and this is the reason for him wanting to use a helicopter and heliport. Question:
  - Do you want someone that says they have PTSD from being in a car to someone being in a helicopter and flying over your resident? **I DO NOT**

Thank you for considering our requests and for recognizing our investments in our property.

Sincerely,

Tracy Hilfer

cc: Scott County Commissioner Tom Wolf, District 2 Commissioner  
Brad Davis, Scott County Planning Manager  
Marty Schmitz, Zoning Administrator

Darrell Woods  
4090 Hunters Lane  
Webster, MN 55088

September 28, 2020

Scott County Planning Advisory Members and Commissioners,

I am an affected party in the CUP request for the private heliport and I oppose the CUP.

Please consider the following:

Why is there not a flight path over his own neighborhood??? Does he even fly over his own house??? His only flight path options should be east and south, as long as they don't interfere with the bald eagle nesting area. The north flight pattern is over a totally different neighborhood of which he is not a resident, and the Hunters Lane neighborhood does not want him flying over our houses. Per Doug's own words at the meeting, his neighbors are not opposed to his CUP, therefore he should fly over his own subdivision's houses.

He should be restricted to use his heliport only Monday through Friday, from 7:00 am to 7:00 pm as he claimed in his propaganda packet, it was for his commute to work. Doug keeps changing how many times he wants to use his heliport, so he is already trying to create an ambiguous decision on your part. His propaganda packet requested only 50 operations per year, with one operation per day, so keep that as his maximum allowed. He should not be allowed more than one operation per day.

Every single county employee/commissioner involved in this decision needs to experience this property devaluing, noise pollution in person. Every decision maker needs to be in the Hunters Lane subdivision for an exhibition flight, by Doug. He should fly over our subdivision at the 150-foot altitude, land at his current **illegal heliport** and power down, then power up and take off while once again flying over the Hunters Lane subdivision. Every decision maker in this process needs to personally experience this disruption to which you will be forcing upon us, as none of you all will be affected by your approval because you don't live in the Notice Area. Simultaneously, an uninvolved third-party noise consultant should be in attendance to record the noise levels during each phase of the demonstration, and the results should be made public. The results can then be compared to the numbers he supplied in his propaganda letter. This expense should be paid by Doug, not the county.

This CUP needs to be reviewed yearly by the Scott County Planning Advisory Board and the Commissioners. The Cedar Lake Township should not be involved as they already demonstrated their lack of intestinal fortitude to address the conflict.

After what I fear will be the unfortunate approval of his CUP, who will be the responsible party to watch over Doug to ensure compliance with the CUP? Who will be our POC to report



violations, they will need to be available every hour of every day, as Doug has already proven to disregard **YOUR** current rules?

What will be the consequences of his violations, he has already proven he has zero regard for **YOUR** policies and practices???

Is Doug going to pay for the added expense of trying to keep my hunting dog sane and productive with this disruption as he has already negatively affected my dog while using his **illegal heliport**.

At all subsequent meetings relating to this neighborhood devaluation and disruption, you are not advertising this as a public meeting, at which I could speak, why is this??? If Doug is allowed to speak, then everyone inside the Notice Area should be allowed to speak!!! There should not be any others allowed to speak if it is truly between Doug and the affected residents!! Doug should not be allowed to filibuster at the meeting as he and his employees did during the circus, or public hearing.

Adding noise to a noise problem, does not solve the noise problem, therefore he should only be allowed to build the new heliport on the southernmost part of his possibly newly acquired property, furthest away from the Hunters Lane neighborhood. Why hasn't he purchased the property of his proposed heliport? Is it to conceal a bribe in the form of a land purchase at a ridiculous price per acre?

Is Doug going to be forced to remove the **illegal heliport**? If not, I want the reason in writing.

Was Doug fined for the **illegal heliport**? If not, I want the reason in writing.

I referenced a packet written by Doug in this correspondence, did you receive a copy of that propaganda packet? If you would like a copy of the propaganda packet, that I assume he sent to everyone in the Notice Area, I will gladly send you a copy. In the packet, Doug disparaged one person that opposed him, just as he and his employees did at your public hearing and stated many things in vague ways to muddy the facts. At one point he claimed his helicopter was so quiet when he took off, his wife did not hear him because she was in the house. Yet his wife stated she hears the vehicle noise from Highway 2 while she is in the house. These two statements don't make any sense to a reasonable person when the **illegal heliport** is next to her house and the highway is quite a distance away????

Were you aware he claims he has **PTSD** because of an automobile accident and that is the reason for his wanting to use his helicopter and heliport? Do you want someone claiming **PTSD** from being in an automobile cab, to someone being in a flying cab over your residence??? I DO NOT!!!!

I watched the hearing on the internet and was sickened that all the money he already spent on the **illegal heliport**, helicopter, and his flight lessons were used as a positive factor for his CUP approval. All this money was spent in violation of **YOUR** permit requirements. The instant **YOU** approve his CUP, **YOU** are proving that he is buying off the board for his CUP.

He has no problem buying off the board, but he is not willing to enter into agreements with every single resident within the Notice Area to offset any property value lost as a result of his CUP? Not only did he and his employees state the heliport will not negatively affect our property values, one of his employees called one of the opposing Notice Area residents, a liar when she made a similar statement. Just because he and his employees make a statement does not make it true, and I don't have to believe him as he already deceived every single person in the county, to include the board, by building and using his current **illegal heliport**. I was also extremely upset when the signed petitions were not going to be considered. How did Doug manage to pull that slick trick off on the board?

One condition of the CUP that **YOU** will undoubtedly approve, should involve the removal of his **illegal heliport**, BEFORE he can start construction on the new heliport.

Please do not approve the CUP and enforce **YOUR** current permit requirements by forcing him to remove his **illegal heliport**.

There are several airports within a short drive from his house, one of which he has been using, that are sufficient for his needs. He stated in his propaganda letter that he would save valuable time on his preflight inspections, thus giving him more time with his family. He is saying that his time is more important than everyone else's time and his time is more important than my neighborhood's serenity. If he wants to fly and the airport is too far for his PTSD and commute, he can choose not fly or move closer to an airport that is surrounded by houses that knew they were next to an airport. His business has not moved and his commute has not changed, so why is his commute time more valuable than my commute time? I knew what my commute time would be when I purchased my residence and nothing has changed, just as it has not for him, but now his commute time is a giant burden???

Every single county employee/commissioner involved in approving this CUP is cowering down to one person, in order to accommodate his CUP request. What about all the residents of the Notice Area you are defecating on?

When **YOU** decide to defecate on all of us that actually live within the Notice Area and approve his CUP, we the affected residents will be forced to suffer the consequences. With this property devaluating noise pollution and disruption to the country living which we chose, all of the Notice Area residents, **NOT YOU** the decision makers, will be forced to live with **YOUR** decision that negatively impacts **OUR** chosen lifestyle.

Just because something **could** be allowed, does not mean **it must** be allowed, please do not approve this CUP!!!!!!

Thank you,

Darrell Woods

Cc: Tom Wolf, Scott County Commissioner – District 2  
Brad Davis, Planning Manager  
Marty Schmitz, Zoning Administrator

September 22, 2020

Mr. Marty Schmitz  
Scott County Zoning Administrator  
Government Center  
200 Fourth Avenue West  
Shakopee, MN 55379-1220

To: Mr. Marty Schmitz

I am writing in regards to the conditional use permit requested by Doug Schieffer at 26456 Wyldewood Drive, Webster MN 55088. Thank you in advance for considering our comments regarding the CUP. My husband and I built our home at 4205 Hunters Ln in the Hunters Crest development in 2006. Having previously lived in Prior Lake for 10 years, we wanted to move further out for the privacy, the quiet, the peacefulness, the beauty of nature, and the beautiful creek and scenery surrounding our new home. We enjoy watching the birds, deer, and all the other critters behind our home. We have beautiful sunrises and sunsets we watch from our deck in peace and tranquility. Since Hunters Crest is one street with a cul-de-sac it has been a very quiet neighborhood until 2019. We live on the cul-de-sac and look directly at Mr. Schieffer's house across the valley, and we first heard his helicopter taking off and landing, late summer and fall in 2019. The noise was extremely loud, much louder than any planes or helicopters flying overhead, and longer in duration. With the valley between our homes there seems to be an echo, which adds to the noise level. The helipad was added, and in use, without the approval of Scott County. When we purchased our property in 2006 we certainly didn't expect that building a helipad would even be a possibility or legal since the land is zoned as RR-1C. We consider our home an investment in our future, and locating a helipad in our neighborhood will mean undesirable consequences for us, such as noise impact from the helicopter, lower property values, and to our enjoyment of peace and quiet, and to listen to and to watch the wonderful nature we have. Additionally we will be required to disclose the helipad located in our neighborhood on a resale disclosure statement.

We would ask that you please consider the disruption and impact the addition of a helipad will mean to our daily life. My husband grew up in Richfield and remembers the Metropolitan Council working with homeowners, and helping to mitigate noise concerns. We believe these impacts could be mitigated through restrictions to frequency of use, time of day, limits to number of operations per year, route changes, etc.



Due to noise concerns we would like to have **the northern flight route removed**. In Hunters Crest 9 out of 10 neighbors are against the heliport primarily due to noise. Since Mr. Schiffer's neighbors are in support of the CUP, we would like to see **an eastern route added**, which would primarily impact the neighbors who claim they have no problem with the noise. **The southern route could continue as a primary route** since it will have the least impact on homeowners, and **the added eastern route could be the second route**.

We would also like to see the **new shed and helipad located to the southern most edge of the new property**, to minimize the noise for those of us opposing the helipad. We believe **the existing helipad should be removed**, since it was built without a permit, and will ensure the pad is no longer used.

#### **Condition 7**

We would like to **limit the number of operations to 50 per year**. In his 8/7/20 letter Mr. Schieffer wrote, "he doubted he would perform more than 50 operations per year". We also request that his **ability to have more than two operations on four days per year, be removed from the conditions**. If the condition is left in, unlimited operations on those days would be possible. The applicant has the ability to take off and land from a private airport on all other days, times, etc.

#### **Condition 8**

We would like to see the **hours of operation from 7am to 7pm Monday through Saturday and no flights on Sunday**. This will minimize the impact to neighbors. The applicant always has the ability to take off and land from private airports.

#### **Condition 9**

We **request the Planning Advisory Committee participate in test flight**, warm up and cool down period's, with takeoff and landing, utilizing the same aircraft, and flying overhead at 150 feet. Also, Scott County should select a noise consultant that is a third party, not associated with the applicant or County. **All noise is not the same!** We value our small, peaceful neighborhood and do not want to add any additional noise. Passing cars and trucks, or aircrafts with a high altitude is significantly different than a helicopter directly overhead at an altitude of 150'.

## Condition 2

We request the **annual review is completed by Scott County Planning Advisory Board**, vs. Cedar Lake Township, since they wanted nothing to do with the application process.

## Condition 6

Most importantly, who is going to **monitor that Mr. Schieffer is meeting the conditions of the CUP?** What are the **consequences if conditions are not met?** How will they be measured? How do we report violations?

Thank you for your consideration of our perspectives, regarding the addition of a helipad to our neighborhood, and our concerns of how we will be impacted. We ask that you take this into consideration as you are determining the conditions in the permit. Please remember, Mr. Schieffer is just one person, and **Mr. Schieffer is the only one who will benefit from the helipad.**

Sincerely,

Sue Beebe-Viere and Steve Viere

*Sue Beebe-Viere*

*Steve Viere*

September 23, 2020

Dear,

Marty Schmitz, Brad Davis, Tim Serafina, Ron Hocevar, Tom Wolf, Donna Hentges, Ed Hrabe, Tom Vonhof, Gary Hartmann, Barbara Kane Johnson, Lee Watson, and Ray Huber,

After sitting through 4 hours of information regarding the heliport #20200000048 I have additional thoughts.

Why would you approve a heliport in a residential/farming neighbor filled with people and animals for the pleasure of one person? Doug owning a helicopter is not essential.

**Noise was frequently mentioned:**

- \* Come out and have Doug do a drive by so we may ALL see just how much noise the helicopter creates
- \* County Road 2 is noisy
- \* Adding a helicopter will not help that
- \* I have spent hours (and I mean lots of hours) outside over the last 15 years and I have NEVER heard 100 small air craft go over my house in one day or one week or one month, NEVER
- \* Home buyers feel very differently about the noise of airports/heliports, just ask the Metropolitan Airport Commission

**Animals:**

- \* Doug said he would pay if any harm came to peoples horses/animals. For starters, NO amount of money will satisfy me if I were to experience a loss of my horse. Just as none of you would accept money for someone you love and have cared for for 25 years. And who determines the value of our animals? Would it require lawyers, money and years of time?
- \* I am just as PASSIONATE about my horse's safety as Doug & Kelley are for their daughters.
- \* Bell helicopters have been involved in approximately 4,900 accidents, 800 of which were fatal crashes. As a result, more than 1,660 people have died.

**Home values:**

- \* My home value DID go down when the power lines were installed even when homeowners were ASSURED this would not happen
- \* (from an article about having a heliport in residential neighborhood) stated " did find "a negative effect" on values due to the noise associated with heliports close to homes"
- \* Having a decrease in value happened once, I believe a heliport will reduce my home values and that of my neighbors.

**Essential to get this right by the planning commission:**

- \* Minnesota Statute 513.55 only requires the disclosure of anything that "adversely and significantly" affects "an ordinary buyer's use and enjoyment of the property". I did not buy my house 15 years ago to have a heliport move in with noise, possible harm to my animals, reduce my home values and diminish my PASSION for country living. If all of that doesn't adversely and significantly impact our neighborhood than what does?
- \* Sound test with the complete planning commissioner board and neighbors present
- \* Doug's concern about driving 30 minutes to Faribault and 30 minutes home is far less than a lot of my neighbors drive to their jobs and they are not asking for special accommodations that disrupt



our neighborhood. My work commute is the same.

- \* Detailed procedure for any safety concerns relating to animals in the neighborhood that do not require a lawyer to resolve

- \* What is the plan if Doug gets a commercial license?

- \* Doug said he is NOT done with Gull Lake which means there will be more lawyers

- \* Are you concerned he will use lawyers with you? His lawyer stated as much at the meeting.

My Passion for country living, nature, wildlife and the night sky do not need:

- \* safety concerns for my animals

- \* lawyers

- \* neighbors pitted against neighbors

- \* 4 plus hours of planning meetings

- \* countless hours of county staff time

#### #1 Flight route.

- **Make southern route the primary route as it has the least impact on homeowners in the area.**

- **Add an eastern route as the secondary route.**

*Doug stated 10 of his 15 neighbors supported the CUP.*

*Doug's neighbors stated on public record they were fine with the CUP and noise is noise so not an issue.*

- **Remove the northern flight route.**

*9 out of 10 neighbors are verbally against the heliport. Findings based on petition signatures, correspondence and comments provided at Sept. 14 meeting.*

*The northern route is the most populated of the three proposed on Sept. 14.*

*There is a line of homes 1/4 mil north of the Schieffer property Doug will repeatedly fly directly over.*

*Per the expert from the 9/14 meeting only 2 routes are needed for weather conditions*

#### #2 Flight times

- Recommend hours of 7 a.m. to 7 p.m. Monday through Saturday and NO flights on Sunday.

*Current condition allows for flights from as early as 4:59 a.m. to 9:23 p.m.*

*Neighbors in this area are working class and predominately home on the weekends. Some homeowners work evening shifts. Eliminating 1 Sunday flights will minimize impact to neighbors.*

*Applicant has the ability to take off and land from private airport on all other days, times, etc.*

#### #3 Flight quantity concerns:

- Limit operations to 50 times per year as Doug told neighbors in a letter on 8/7/2020 "he doubted he would perform more than 50 operations per year".  
*Applicant has the ability to take off and land from private airport on all other days, times, etc.*

- Do not allow that on four days per calendar year the number of take offs and lands may exceed two  
*Applicant has the ability to take off and land from private airport on all other days, times, etc.*

#4 Request Planning Advisory Committee participate in test flight, warm and cool down period with takeoff and landing with similar helicopter flying overhead at 150 feet.

- All noise is not the same. The sound of a passing car on County Road 2 or a small plane with altitude whizzing by is significantly different than the chop of a helicopter over our homes at a 150' altitude.
- Per Doug's teams information presented at Sept. 14 meeting he could be flying over this line of homes at 150 +/- altitude when using a 7 degree approach or departure.
- Scott County should select the noise consultant at the applicant's expense. Want a third party not associated with either the applicant or the County.

#5 Annual review is completed by Scott County Planning Advisory Board.

#6 Who is going to monitor that Doug is meeting the conditions of the CUP?

#7

- The meeting on October 12 is not a public hearing. We request that the Chair consider allowing anyone within the "notice area" to provide comment or at a minimum allow neighborhood representative to speak on behalf of "noticed residents". Doug will get to speak again as the applicant.
- Removal of current helipad as it was built without a permit to ensure it won't be used.
- What are the consequences if conditions are not met? How are conditions measured? How do we report violations?
- Adding noise to a noise problem does not solve the noise problem.
- Request the new helipad and shed are positioned to the south line of the new property minimize noise to opposing neighbors.

I am asking you to protect/preserve my country living life style in Scott County!

Sincerely,

Elizabeth Brandt

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*Elizabeth Brandt*